



## **WINDSOR SCHOOL BOARD MEETING**

Windsor Town Hall

Windsor, NH

July 22, 2024, 12:30 PM

### **AGENDA**

#### **A. Call Meeting to Order**

Announcement by the chair as to the presence of a quorum, that the meeting has been duly called, and the notice of the meeting having been posted for time and in the manner required by law.

#### **B. Pledge of Allegiance and Moment of Silence**

#### **C. Correspondence**

#### **D. Public Comment – Limited to five minutes per person**

*NOTE: This is an opportunity for members of the public to share an idea or concern with the board. Comments are limited to 5 minutes per person. It is not the practice of the board to immediately respond to comments made.*

#### **E. Action Items**

- 1. Approve W. Robbins Board Member Resignation**
- 2. Appoint New Board Member**

#### **F. Policy Development (Action Needed)**

*Full listing available in meeting packet*

- 1. Section A Foundations and Basic Commitments**
- 2. Section B Board Governance and Operations**
- 3. Section C General School Administration**
- 4. Section D Fiscal Management**
- 5. Section E Support Services**

#### **G. Non-Public Session – RSA 91-A:3 II (if needed)**

## **H. Call Back to Order**

## **I. Action After Non-Public Session**

## **J. Windsor School Board Policies**

## **K. Adjournment**

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Per RSA 91-A:3 II. (a)-(e), (i), (k), (l) and (m) only the following matters may be considered or acted upon by a school board in 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 (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall 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 public body itself, unless such person requests an open meeting;
- d) consideration of the acquisition, sale or lease of property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community; and
- e) consideration or negotiations of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision 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.
- i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
- k) Consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general public or the school district that is considering a contract, including any meeting between the school boards, or committees thereof, involved in the negotiations.
- l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.
- m) Consideration of whether to disclose minutes of a nonpublic session due to a change in circumstances under paragraph III. However, any vote on whether to disclose minutes shall take place in public session.

**SCHOOL DISTRICT LEGAL STATUS**

The legal basis for education is vested in the will of the people as expressed in the Constitution of New Hampshire, the statutes pertaining to education, court interpretation of these laws, the powers implied in them, and the rules and regulations of the State Board of Education.

In New Hampshire, School Districts are political subdivisions of the State and, as such, are considered municipal corporations.

Board policies are established by the Board, which serves as an agent of the District. Funds for school operating expenses are approved by a majority of qualified voters present and voting at the annual School District meeting except that bond issues require a two-thirds vote. (except in those School District which have adopted RSA40:13. In these districts, a 60% vote is required.)

**Legal References:*****NH Constitution Pt. 2, Art. 83******RSA 194:2******RSA 195:6******RSA 197:1******RSA 40:13******RSA Ch. 33******New Hampshire Constitution******School Districts to be Corporations******Powers and Duties of Cooperative School Districts******Annual School District Meeting******Use of Official Ballot******Municipal Finance Act*****Policy Adoption & Revision History:****First Reading:**





**NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT, AND  
ANTI-DISCRIMINATION PLAN**

Under New Hampshire law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in the District's public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin. Discrimination, including harassment, against any student in the District's education programs, on the basis of any of the above classes, or a student's creed, is prohibited.

Finally, there shall be no denial to any person of the benefits of educational programs or activities, on the basis of any of the above classes, or economic status.

Harassment of students other than on the basis of any of the classes or categories listed above is prohibited under Board policy JICK Pupil Safety and Violence Prevention.

**A. Equal Opportunity of Employment and Prohibition Against Discrimination in Employment.**

The School District is an Equal Opportunity Employer. The District ensures equal employment opportunities without regard to age, color, creed, disability, gender identity, marital status, national origin, pregnancy, race, religion, sex, or sexual orientation. The District will employ individuals who meet the physical and mental requirements, and who have the education, training, and experience established as necessary for the performance of the job as specified in the pertinent job description(s).

Discrimination against and harassment of school employees because of age, sex, race, creed, religion, color, marital status, familial status, physical or mental disability, genetic information, national origin, ancestry, sexual orientation, or gender identity are prohibited. Additionally, the District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

**B. Policy Application.**

This Policy is applicable to all persons employed or served by the District. It applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law, including where it (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or (b) occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or

substantially disrupts the orderly operations of the school or school-sponsored activity or event, as set forth in Board policy JICK, Pupil Safety and Violence Prevention. Examples of sites and activities include all District buildings and grounds, school buses and other vehicles, field trips, and athletic competitions.

**C. District Anti-Discrimination Plan.**

No later than October 15, 2020, the Superintendent shall develop and provide to the Board for approval, a coordinated written District Anti-Discrimination Plan (the “Plan”) to include guidelines, protocols and procedures intended to prevent, assess the presence of, intervene in, and respond to incidents of discrimination.

Among other things, the Plan should include provisions, and recommendations with respect to resources, policies, complaint procedures, student education programs, Plan dissemination and training appropriate to carrying out the Plan objectives stated in the preceding paragraph.

In developing the Plan, the Superintendent is encouraged to seek input from appropriate groups of the school and local community and coordinate with the District’s Human Rights [*Non-Discrimination*] Officer and Title IX and 504 Coordinators.

No less than once every two years (off years from review of the District’s Suicide Prevention Plan per Policy JLDB), the Superintendent shall update the District Anti-Discrimination Plan, and present the same to the Board for review. Such Plan updates should be submitted to the Board in time for appropriate budget consideration.

**D. Human Rights [or Non-Discrimination], Title IX, 504 and other Coordinators or Officers.**

The Superintendent shall assure that District and or building personnel are assigned to the positions listed below. Each year, the Superintendent shall prepare and disseminate as an Appendix AC-E to this Policy an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, postal and physical addresses.

Human Rights [or Non-Discrimination] Officer  
Title IX Coordinator  
504 Coordinator

The Appendix will also include current contact for relevant state and federal agencies including:

U.S. Department of Education, Office of Civil Rights  
U.S. Department of Agriculture, Office of Civil Rights  
N.H. Human Rights Commission  
N.H. Department of Justice, Civil Rights Unit  
N.H. Department of Education, Commissioner of Education

**E. Complaint and Reporting Procedures.**

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should contact the District Human Rights Officer, or otherwise as provided in the policies referenced below under this same heading.

Any employee who has witnessed, or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct to his/her immediate supervisor, the District Human Rights Officer, or as provided in one of the policies or administrative procedures referenced below under this same heading. Additionally, employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

Investigations and resolution of any complaints shall be according to the policies listed below and related administrative procedures or regulations. Complaints or reports regarding matters not covered in one or the other of those policies should be made to the District Human Rights Officer.

1. Reports or complaints of sexual harassment or sexual violence by employees or third party contractors should be made under Board policy GBAA;
2. Reports or complaints of sexual harassment or sexual violence by students should be made under Board policy JBAA;
3. Reports or complaints of discrimination on the basis of disability should be made under Board policy ACE, except for complaints regarding facilities accessibility by disabled non-students or employees, which should be made under Board policy KED; and

4. Reports or complaints of bullying or other harassment of pupils should be made under Board policy JICK.

**F. Alternative Complaint Procedures and Legal Remedies.**

At any time, whether or not an individual files a complaint or report under this Policy, an individual may file a complaint with the Office for Civil Rights (“OCR”), of the United States Department of Education, or with the New Hampshire Commissioner for Human Rights.

1. Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921; Telephone number: (617) 289-0111; Fax number: (617) 289-0150; Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

*Note:* Complaints to OCR must be filed in writing no later than 180 days after the alleged act(s) of discrimination. OCR may waive its 180 day time limit based on OCR policies and procedures

2. New Hampshire Commission for Human Rights, 2 Industrial Park Drive, Concord, NH 03301; Telephone number: (603) 271-2767; Email: [humanrights@nh.gov](mailto:humanrights@nh.gov)

Notwithstanding any other remedy, any person may contact the police or pursue a criminal prosecution under state or federal criminal law.

**G. Retaliation Prohibited.**

No reprisals or retaliation of any kind will be taken by the Board or by any District employee against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless that person knew the complaint or report was false or knowingly provided false information

**H. Administrative Procedures and Regulations.**

The Superintendent shall develop such other procedures and regulations as are necessary and appropriate to implement this Policy.

**I. Notice of Compliance.**

The Superintendent will provide notice of compliance with federal and state civil rights laws to all applicants for employment, employees, students, parents, and other interested persons, as appropriate.

*Appendix: AC-R Annual Notice of Contact Information for Human Rights Officer,  
Title IX Coordinator, 504 Coordinator and Civil Rights Agencies*

**Legal References:**

*RSA 186:11-XXXIII*

*RSA 193-F*

*RSA 193:38*

*RSA 275:78-83*

*RSA 354-A*

*Ed. Rule 303.01(i)*

*20 U.S.C. 1681, et seq*

*29 U.S.C. 621, et seq*

*29 U.S.C. 705 and 794*

*42 U.S.C. §2000c*

*42 U.S.C. 12101, et seq*

*42 U.S.C. 2000d, et seq*

*42 U.S.C. 2000gg*

*42 U.S.C. 218d*

*Discrimination*

*Student Safety and Violence Protection Act*

*Discrimination in Public Schools*

*Policies Relating to Nursing Mothers*

*State Commission for Human Rights*

*School Board Substantive Duties*

*Title IX of the Education Amendments of 1972*

*The Age Discrimination in Employment Act of 1967*

*The Rehabilitation Act of 1973*

*Title IV of the Civil Rights Act of 1964*

*Title II of The Americans with Disabilities Act of 1990*

*Title VII of the Civil Rights Act of 1964*

*Pregnant Worker Fairness Act ("PWFA")*

*Pump for Nursing Mothers Act ("PUMP Act")*

**Policy Adoption & Revision History:**

First Reading:



**TITLE IX SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCESS****I. RESTATEMENT OF POLICY PROHIBITING DISCRIMINATION ON THE BASIS OF SEX.**

Per Board policy AC, Title IX of the Education Amendments Act of 1972 (“Title IX”), as well as RSA 193:38, among others, the District does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment are prohibited in the District.

**II. TITLE IX SEXUAL HARASSMENT POLICY.****A. Application of This Policy.**

While all forms of sex-based discrimination are prohibited in the district, the purpose of this policy is to address, and only to address, *sexual harassment as defined in Title IX and Sec. II.B*, below, that occurs within the educational programs and activities of the district, and to provide a grievance process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The “Title IX Grievance Process” is set out in Sec. III below. While the District must respond to all “reports” it receives of sexual harassment, the Title IX Grievance Process is initiated only with the filing of a formal complaint.

The purpose of this Policy, however, is to address, and only to address, sexual harassment as defined in Title IX that occurs within the educational programs and activities of the district. For harassing conduct which does not meet the definition of sexual harassment under Title IX and this Policy, the District’s response will be governed under other applicable laws and policies per Board policy AC, and policies referenced therein.

This Policy shall apply to all students, employees, and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity.

Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law. Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, the NH Division of Children, Youth and Families (DCYF), as appropriate. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

The Superintendent shall have overall responsibility for implementing this Policy, and shall annually appoint a District Title IX Coordinator as that position is described in Section II.C, below. The name and contact information for the Title IX Coordinator is set forth in Board Policy Appendix AC-E, which shall be updated and disseminated annually with the Title IX Coordinator’s name as set forth in Board policy AC.

**B. Definitions.**

As used in this Policy and the Title IX Grievance Process, the terms below shall have the meaning ascribed.

“**Actual knowledge**” occurs when the District’s Title IX Coordinator or **ANY** employee of one of the District’s schools (other than a “respondent” or alleged harasser) receives a notice, report or information or becomes aware of sexual harassment or allegations of sexual harassment.

**“Complainant”** is an individual who is alleged to be the victim of conduct that could constitute sexual harassment, whether or not that person files a report or formal complaint.

**“Days”** shall mean calendar days, but shall exclude non-weekend days on which the SAU office is closed (e.g., holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g., snow days).

**“Decision Maker”** means persons tasked with: the responsibility of making initial determinations of responsibility (at times referred to as “initial decision maker”); or the responsibility to decide any appeal (at times “appeals decision maker”) with respect to formal complaints of sexual harassment in accordance with the Title IX Grievance Process.

**“Determination of Responsibility”** is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal Complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment Under Title IX.

**“Formal Complaint”** means a document filed by a complainant, the complainant’s parent/guardian, or the Title IX Coordinator, alleging sexual harassment against a respondent, and requesting that the district investigate the allegation of sexual harassment.

**“Respondent”** is an individual who is reported to be the individual accused of conduct that could constitute sexual harassment.

**“Sexual harassment”** prohibited under Title IX and by this policy *is conduct on the basis of sex* (including, without limitation, gender, sexual orientation, and/or gender identity), occurring in a school system education program or activity that satisfies one or more of the following:

1. A school district employee conditioning an aid, benefit, or service of an education program or activity on an individual’s participation or refusal to participate in sexual conduct irrespective of whether the conduct is welcomed by the student or other employee;
2. Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to the education program or activity (this standard requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and victim and the number of individuals involved and their authority; **OR**
3. Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal law.

Behaviors that constitute sexual harassment may include, but are not limited to:

- i. Sexually suggestive remarks or jokes;
- ii. Verbal harassment or abuse;
- iii. Displaying or distributing sexually suggestive pictures, in whatever form (e.g., drawings, photographs, videos, irrespective of format);
- iv. Sexually suggestive gesturing, including touching oneself in a sexually suggestive manner in front of others;
- v. Harassing or sexually suggestive or offensive messages that are written or electronic;



- vi. Subtle or direct propositions for sexual favors or activities;
- vii. Touching of a sexual nature or groping; and
- viii. Teasing or name-calling related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct.

*Note: incidents of the above conduct would still need to satisfy one or more of the criteria in paragraphs 1-3 of this definition.*

Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex.

The context of behavior can make a difference between conduct falling within the technical definition of Sexual Harassment Under Title IX, and conduct of a sexual nature that is offensive or hostile in itself, but which does not arise to the level within that definition. **District policies prohibit both, but for purposes of its Title IX obligations the District must address reports or complaints of conduct which may constitute sexual harassment as defined above, under this specific, limited scope Policy and Title IX Grievance Process.** Except as used in other laws (e.g., Title VII) or policies (e.g., Board policy JICK) pertaining to harassment, including of a sexual nature, other than Title IX sexual harassment, all references to “sexual harassment” in this policy mean sexual harassment that meets the above definition.

Conduct that satisfies this definition is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser/respondent and the context in which the harassment occurred.

***NOTE Regarding Concurrent Enrollment and Dual Enrollment, Extended Learning Opportunities, 3<sup>rd</sup> Party Distance Learning and Other Alternative Instructional Programs:*** Under federal regulations, in order for the District to have jurisdiction over conduct that would otherwise meet the definition above of sexual harassment, the District must have substantial control over both the respondent and the context in which the harassment occurred. In general, this will mean that unless such learning program is occurring upon district property, conduct otherwise meeting the definition of sexual harassment within that program, may not be subject to this policy.

“**Supportive Measures**” are free, non-disciplinary, non-punitive, individualized services and shall be offered to the complainant, and may be offered to the respondent, as appropriate. These measures may include, but are not limited to, the following:

1. Counseling;
  2. Course modifications;
  3. Schedule changes; and
  4. Increased monitoring or supervision
5. Any other additional supportive services as deemed appropriate by the Superintendent

Such measures shall be designed to restore or preserve equal access to the District’s education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment and/or deter

sexual harassment. Supportive measures shall remain confidential with exclusive exceptions stated required in Sec. II.E, below.

**C. Title IX Coordinator.**

The Title IX Coordinator shall respond promptly to all general reports as well as formal complaints of sexual harassment. The Title IX Coordinator shall receive general and specific reports of sexual harassment, and coordinate the District's responses to both reports and formal complaints of sexual harassment so that the same are prompt and equitable. In addition to any other specific responsibilities assigned under this Policy, or as assigned by the Superintendent, the Title IX Coordinator will be responsible for:

1. meeting with a complainant, and informing the parent/guardian once the Title IX Coordinator becomes aware of allegations of conduct that could constitute sexual harassment as defined in this Policy;
2. identification and implementation of supportive measures;
3. signing or receiving formal complaints of sexual harassment;
4. engaging with the parents/guardians of parties to any formal complaint of sexual harassment;
5. coordinating with District and school-level personnel to facilitate and assure implementation of investigations, and remedies, and helping to assure that the District otherwise meets its obligations associated with reports and complaints of sexual harassment;
6. coordinating with the Superintendent with respect to assignment of persons to fulfill the District's obligations, both general and case specific, relative to this Policy (e.g., investigator, decision makers, etc.; this may involve the retention of third party personnel.);
7. coordinating with District and school-level personnel to assure appropriate training and professional development of employees and others in accordance with Sec. II.D of this Policy; and
8. helping to assure that appropriate systems are identified and maintained to centralize sexual harassment records and data.

In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason (see Sec. II.G, below), the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

**D. Training.**

All District employees shall receive regular training relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must receive training on the definition of sexual harassment, this Policy, the scope of the District's education program or activity, and how to conduct an investigation (including the requirements of the reporting and the Title IX Grievance Process, including hearings, appeals, and information resolution processes). The training must also include avoiding prejudgment of the facts, conflicts of interest and bias.

Decision-makers must also receive training on issues of relevance of questions and evidence, including when questions about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment, and must be made available to the public as provided in Sec. II.H of this Policy.

**E. Confidentiality.**

The District will respect the confidentiality of the complainant and the respondent as much as possible, however, some information may need to be disclosed to appropriate individuals or authorities. All disclosures shall be consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action. Examples of required disclosure include:

1. information to either party to the extent necessary to provide the parties due process during the Title IX Grievance Process;
2. information to individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;
3. mandatory reports of child abuse or neglect to DCYF or local law enforcement (per Board policy JLF);
4. information to the complainant's and the respondent's parent/guardian as required under this Policy and or the Family Educational Rights and Privacy Act ("FERPA"); and
5. reports to the New Hampshire Department of Education as required under N.H. Code of Administrative Rules Ed 510 regarding violations of the NH Code of Conduct for Education Professionals.

Additionally, any supportive measures offered to the complainant or the respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the school district to provide the supportive measures.

Except as specified above, the District shall keep confidential the identity of:

1. Any individual who has made a report or complaint of sex discrimination;
2. Any individual who has made a report or filed a formal complaint of sexual harassment;
3. Any complainant;
4. Any individual who has been reported to be the perpetrator of sex discrimination;
5. Any respondent; and
6. Any witness.

Any supportive measures provided to the complainant or respondent shall be kept confidential to the extent that maintaining such confidentiality does not impair the ability of the District to provide the supportive measures.

**F. Retaliation Prohibited.**

Retaliation against any person who makes a report or complaint, or against any person who assists, participates, or refuses to participate in any investigation of an act alleged in this Policy is prohibited. Actions taken in response to **materially** false statements made in bad faith, or to submitting **materially** false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A finding of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith. Complaints of retaliation with respect to reports or formal complaints of sexual harassment shall be filed under the District's general grievance process.

**G. Conflict of Interest.**

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**H. Dissemination and Notice.**

The District shall include in all student and employee handbooks, and shall make publicly available on the district's website the following information:

1. The District's policy of non-discrimination on the basis of sex (included in Board policy AC);
2. the title, name, office address, email address, and telephone number of the Title IX Coordinator (to be provided pursuant to Board policy AC and its addendum, updated annually, AC-E;
3. the complaint process;
4. how to file a complaint of sex discrimination or sexual harassment;
5. how the District will respond to such a complaint; and
6. a statement that Title IX inquiries may be referred to the Title IX Coordinator or to the Assistant Secretary for Civil Rights.

The same information shall be provided to all persons seeking employment with the District, or seeking to enroll or participate in the District's educational programs or activities.

Additionally, the District will make this Policy, as well as any materials used to train personnel as required under Sec. II.D publicly available on the district's website.

**I. Records and Record Keeping.**

1. For each report or formal complaint of sexual harassment, the District, through the Title IX Coordinator, must create, and maintain for seven (7) years, record of:
  - a. Any actions, including any supportive measures,
  - b. The basis for the District's conclusion that its response was not deliberately indifferent; and
  - c. Documentation which:
    - If supportive measures were provided to the complainant, a description of the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or

- If no supportive measures were provided to a complainant, explains the reasons why such a response was not clearly unreasonable in light of the known circumstances.
- 2. In addition, the District shall maintain the following records for a minimum of seven (7) years:
  - a. Records for each formal complaint of sexual harassment, including:
    - Any determination regarding responsibility, including dismissals;
    - Any disciplinary sanctions imposed on the respondent;
    - Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
    - Any appeal and the result therefrom;
    - Any informal resolution process and the result therefrom;
  - b. All materials used to train Title IX Coordinators, investigators, and decision-makers.

#### J. Reports of Sexual Harassment, Formal Complaints and District Responses.

##### 1. Report of Sexual Harassment.

**NOTE:** *A report does not initiate the formal Title IX Grievance Process. That process is begun only upon the filing of a formal complaint under the procedures set out in II.J.3, and III.A, below.*

Any person may report sexual harassment whether relating to her/himself or another person.

**However, if any District employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator** of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.

A report of sexual harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Additionally, while the District strongly encourages reports of sexual harassment to be made directly to the Title IX Coordinator, the report may be made to **any** District staff member, including, for instance, a counselor, teacher or principal.

If the Title IX Coordinator is the alleged respondent, the report or formal complaint may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that report/complaint, or delegate the function to another person.

**NOTE:** For any allegation of sexual assault on a student under the age of 18, such conduct shall be reported immediately to the DCYF per Board policy JLF. If the alleged respondent (perpetrator) is a person holding a license or credential from the New Hampshire Department of Education (i.e., "credential holder"), then a report shall also be made pursuant to Board policy GBEAB.

##### 2. District Response to Report of Sexual Harassment.

The district will promptly respond when there is actual knowledge of sexual harassment, even if a formal complaint has not been filed. The district shall treat complainants and respondents

equitably by providing supportive measures to the complainant<sup>1</sup> and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

As soon as reasonably possible after receiving a report of alleged sexual harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the complainant to:

- i. discuss the availability of and offer supportive measures;
- ii. consider the complainant's wishes with respect to supportive measures;
- iii. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- iv. explain to the complainant the process for filing a formal complaint.

3. Formal Complaints.

Pursuant to federal regulations, and this Policy, a formal complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required before the District may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a person accused of sexual harassment. **Once a formal complaint of sexual harassment is received by the Title IX Coordinator, s/he shall commence the Title IX Grievance Process set out in Sec. III below. The process for filing a formal complaint is set forth in Sec. III.A.**

4. Limitation on Disciplinary Action.

In no case shall the District impose disciplinary consequences or sanctions against a respondent who has been accused of conduct which may constitute sexual harassment, until the Title IX Grievance Process has been completed.

5. Emergency Removal and Administrative Leave.

At any point after receiving a report or formal complaint of sexual harassment, the Title IX Coordinator (or other District official charged with a specific function under this Policy or the Title IX Process: e.g., investigator, decision maker, etc.) may request the Superintendent to direct that an individualized safety and risk analysis be performed to determine whether a respondent student is an immediate threat to the physical health or safety of any person. In the event that the safety and risk analysis determines that the respondent student does present an immediate threat to the physical health and safety of any person, the District may remove that student, provided that such removal is in full compliance with the IDEA, a student's IEP and or 504 plan if applicable. Such emergency removal shall not be disciplinary. However, the District must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal, and shall continue to offer educational programming until a final determination is made pursuant to the Title IX Grievance Process.

The Title IX Coordinator shall keep the Superintendent of Schools informed of any employee respondents so that he/she can make any necessary reports to New Hampshire Department of Education in compliance with applicable administrative rules and the New Hampshire Code of

Conduct for Educational Professionals. In appropriate cases, the Superintendent may place an employee respondent on non-disciplinary administrative leave pursuant to RSA 189:31.

### **III. TITLE IX GRIEVANCE PROCESS.**

The Title IX Grievance Process is used only upon the filing of a formal complaint of sexual harassment as described in Sec. III.A, below. The provisions of Section I of the Policy are incorporated as part of the Title IX Grievance Process. Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities related to the Title IX Grievance Process.

#### **A. Process for Filing a Formal Complaint of Sexual Harassment.**

The Title IX Grievance Process is initiated by way of a formal complaint ("complaint" or "formal complaint") filed by the complainant, the complainant's parent/guardian, or the Title IX Coordinator. The complainant may file a complaint or choose not to file a complaint and simply receive the supportive measures. If the Complainant does not file a complaint, the Title IX Coordinator may sign a formal complaint, but only if initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances, and in other cases where, in the exercise of good judgment and in consultation with the District's attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment (e.g., reports of sexual assault, employee on student harassment, repeat reports, or the conduct in the complainant's report has not been adequately resolved through the provision of supportive measures). If the complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.

If no formal complaint is filed by the complainant or the Title IX Coordinator no disciplinary action may be taken against the respondent based upon conduct that would constitute sexual harassment under this policy.

Although there is no time limit per se to filing a formal complaint, for complaints initiated by the complainant or his/her parent/guardian, the complainant must be employed by the District or participating in or attempting to participate in the education program or activities of the District at the time of filing. Additionally, although the District will initiate the Title IX Grievance Process regardless of when the formal complaint is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

At a minimum, a formal complaint must:

1. contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student;
2. describe the alleged sexual harassment,
3. request an investigation of the matter, and
4. be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the District website.

**B. Initial Steps and Notice of Formal Complaint.**

1. The Title IX Coordinator will provide notice to the complainant and the complainant's parent/guardian (if the complainant is a non-eligible student under FERPA), and to the respondent (if known) and the respondent's parent/guardian (if the respondent is a non-eligible student under FERPA), as well as to any other known parties, of the following:
  - a. this Title IX Grievance Process, including any informal resolution process;
  - b. the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview; "sufficient details" shall include to the extent known identities of persons involved, the conduct allegedly constituting sexual harassment, and the date and location of the incident;
  - c. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  - d. that each party may have an advisor of their choice, who may be, but is not required to be, an attorney;
  - e. that each party is entitled to inspect and review evidence; and
  - f. a reference to any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
2. The Title IX Coordinator will contact the complainant to discuss and offer supportive measures.
3. The Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
4. The Title IX Coordinator will examine the allegations in the formal complaint, to determine whether even if assumed true, the allegations are sufficient to sustain a finding of sexual harassment under this Policy. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the complainant to discuss the complaint and whether amendment is appropriate, in which case the process of Sec. III.C.4 will apply.
5. If the formal complaint fails to satisfy the definition of sexual harassment in this Policy, the complaint shall be dismissed as provided in Sec. III.G, below.
6. If the complaint is not dismissed, then Title IX Coordinator will consult with the Superintendent as to whether the Title IX Coordinator should act as the investigator or whether a different District or other employee shall act in that capacity. At the same time, the Title IX Coordinator and the Superintendent shall appoint the person who shall make the initial determination of responsibility (initial decision maker). The Superintendent, in consultation with the Title IX Coordinator, shall appoint an initial decision maker on a case-by-case basis. In all cases, the investigator and the initial decision maker must be properly trained and otherwise qualified (see Sec. II.D "Training", and Section II.G "Conflict of Interest").



7. If the report alleges sexual harassment by the Superintendent, the Title IX Coordinator will inform the School Board Chair and the Business Administrator, the latter of whom shall have authority to seek guidance from the District's general counsel, but shall not delay the District's response to the report as outlined in this Policy.

**C. General Provisions and Additional Definitions Relative to Title IX Grievance Process.**

1. Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. (Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor. See Sections III.E.3, and III.E.4).
2. Risk Analysis and Emergency Removal. At any point during the Title IX Grievance Process, the Title IX Coordinator may arrange for an individualized safety and risk analysis as described in Sec. II.J.5, following which a student may be removed.
3. Administrative Leave. At any point during the Title IX Grievance Process, the Superintendent, and at his/her own discretion, and with or without consulting the Title IX Coordinator, may place an employee on administrative leave pursuant to RSA 189:31.
4. Additional Allegations. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that were not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.
5. No Interference with Legal Privileges. At no point in process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the District, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process.
6. Consolidation of Complaints. The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.

7. Remedies: Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.

- a. "Disciplinary sanctions" are consequences imposed on a respondent when s/he is found responsible for sexual harassment under this Policy. Remedial actions are actions intended to restore or preserve a complainant's equal access to the educational programs and activities of the District.
- b. "Disciplinary sanctions" against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy, NH Code of Conduct for Educational Professionals, applicable individual or collective bargaining contract, or state or federal laws or regulations.
- c. "Disciplinary sanctions" against a student may include any available discipline or sanction, up to and including expulsion, under the policies, rules and procedures that establish the district's comprehensive student code of conduct.
- d. "Remedial actions" as to a respondent after a final finding of responsibility, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the district's program and activity.

Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

**D. Timeframe of Grievance Process.**

The District shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through at least the determination of responsibility decision within 90 days after filing the formal complaint. In more complex cases, the time necessary to complete a fair and thorough investigation or other circumstances mean that a determination of responsibility cannot reasonably be made within that timeframe.

1. Summary of Grievance Process Timeline.

- a. Investigation 20 +/- days as the complexity of the case demands (Sec. III.E.1)
- b. 10 days for reviewing information prior to conclusion of investigation
- c. 10 days after receiving report to respond to report
- d. 10 days for decision maker to allow initial questions
- e. 10 days for responses to questions
- f. 10 days for questions and responses to follow-up questions.

- g. 10 days for determination of responsibility decision
  - h. 10 days for appeal (6 additional days for administrative steps)
  - i. 10 days for argument/statement challenging or supporting determination
  - j. 10 days for decision on appeal
2. Delays and Extensions of Time. At any stage of the grievance process, the District (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties or witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide written notice to the parties of the delay/extension and the reason(s).

#### **E. Investigation.**

The Title IX Coordinator will coordinate the investigation. The investigator shall be as appointed pursuant to Sec. III.B.5.

1. The Title IX Coordinator may conduct the investigation, or, in consultation with the Superintendent, designate another qualified person to investigate. The investigation and investigator must:
  - a. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
  - b. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
  - c. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence;
  - d. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
  - e. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The investigator may restrict any others from participating, as long as the restrictions apply equally to both parties;
  - f. Provide, to a party (e.g., respondent or complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate within the timeframes established in Sec. III.D, below.
  - g. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;

2. Prior to completion of the investigative report, the District, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
3. The investigator must prepare a written investigative report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant District policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.
4. The investigator shall provide the investigative report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the investigative report.
5. It serves all parties when investigations proceed diligently and conclude within a reasonable time, which may vary case by case. In most cases, it is expected that the investigator will conclude the initial investigation, and provide the parties the evidence and other information required under Sec. III.E.2. Not more frequently than every other week, any party may request the Title IX Coordinator to obtain and provide the parties with a basic status report on the investigator's progress toward completion. In most cases, the investigator should conclude the investigation within 20 days after receiving a Formal Complaint.

**F. Determination of Responsibility and Initial Decision Maker.**

The determination of responsibility of the respondent shall be made by the initial decision maker as appointed pursuant to Section III.B.5.

1. Prior to making a determination of responsibility, the initial decision maker will afford each party 10 days to submit written, relevant questions to the initial decision maker that the party wants asked of any party or witness.
2. The initial decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.
3. The initial decision maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise to be provided to each party.
4. The initial decision maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
5. The initial decision maker may not make any creditability determinations based on the person's status as a complainant, respondent or witness.

6. The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. The initial decision maker may impose disciplinary sanctions and remedies as described in Section III.C7, above.
8. The standard to be used for formal complaints in determining whether a violation has occurred and/or that the respondent is responsible is the preponderance of the evidence standard, which is only met when the party with the burden convinces the fact finder (the initial decision maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not).
9. The initial decision-maker must issue a written determination/decision within 10 days after the close of the period for responses to the last round of follow-up questions. The written "Initial Determination of Responsibility" must include:
  - a. Identification of the allegations potentially constituting sexual harassment;
  - b. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination of Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of the District's applicable codes of conduct, policies, administrative regulations or rules to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), and any disciplinary sanctions or remedies; and
  - f. The District's procedures and permissible bases for the complainant and respondent to appeal (as set forth in Section III.H, below).
10. The decision maker shall provide the Initial Determination of Responsibility to the Title IX Coordinator, the Superintendent and the parties simultaneously.

**G. Dismissal of a Formal Complaint.**

1. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
  - a. Would not constitute sexual harassment, even if proved;
  - b. Did not occur in the District's education program or activity; or
  - c. Did not occur against a person in the United States.
2. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
  - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - b. The respondent is no longer enrolled or employed by the District; or

- c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- 3. Prior to dismissal of a complaint, the person responsible at that stage shall consult with the Superintendent.
- 4. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

**The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other District policies, code of conduct or administrative rules/regulations. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process.**

#### **H. Appeals Process.**

1. Either party may appeal the Initial Determination of Responsibility or the dismissal of a formal complaint or any allegation in a formal complaint by notifying the Superintendent in writing ("written appeal"), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal. The written appeal must be received by the Superintendent within 10 days of the Initial Determination of Responsibility or written notice of dismissal being communicated to the parties.
2. An appeal under this Policy may only be based upon one or more of the following bases, which must be stated specifically in the party's written appeal:
  - i. Procedural irregularity that affected the outcome of the matter;
  - ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
  - iii. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
  - iv. *Additional bases may be added by a district, if made available equally to both parties.*

Appeals for any other reason or upon any determination of responsibility not included in the written appeal will not be heard.

Appeals pertain only to the determination of responsibility and non-disciplinary remedies. Once a determination of responsibility is final per Sec. III.I, below, appeals of disciplinary sanctions may be made pursuant to the District's ordinary review process for discipline, or, to the extent applicable, any statutory or other processes provided under collective bargaining agreements or individual contracts.

3. Within 3 days of receipt of the written appeal, the Superintendent shall appoint a decision maker for appeal ("appeals decision maker"),<sup>2</sup> who must have adequate training as provided in Section II.D, be free from conflict of interest as provided in Section II.G, and may not be the same person as the initial decision maker, the person who ordered dismissal, the investigator(s), or the Title IX Coordinator. Upon the appointment of the appeals decision maker, the Superintendent shall provide a Notice of Appeal to each party and to the Title IX Coordinator, with a copy of the

written appeal. The Notice of Appeal must include information about all deadlines and timeframes in the appeal stage.

4. Each party shall have 10 days from the date the Notice of Appeal is delivered to the parties to submit to the appeals decision maker a written statement, with copies to the Superintendent, Title IX Coordinator, and other party a statement ("appeal statement") in support of, or challenging, the determination of responsibility or dismissal.
  5. Each party shall provide copies of the appeal statement to the other party, the Superintendent, and the Title IX Coordinator at the same time the appeal statement is given to the appeals decision maker. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's appeal statement.
  6. The appeals decision maker may refer an appealed issue back to a prior point in the grievance process, with written notice to the parties, the Superintendent and the Title IX Coordinator.
  7. The appeals decision maker shall provide a written appeals decision after considering the record and the parties' appeal statements. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence, or refer it back to the appropriate stage of the Title IX Grievance Process. The written appeals decision will describe the result(s) of the appeal and the rationale, with copies provided to the parties, Superintendent and Title IX Coordinator, no more than 10 days after receiving the last of the parties' written statements per Section III.H.5.
- I. **Finality of Determination of Responsibility.** The determination regarding responsibility becomes final either on the date that the recipient, through the Superintendent, provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal of the Initial Determination of Responsibility would no longer be considered timely. The final determination shall be identified as the Title IX Decision.

Once the Title IX Decision is final, the District may implement remedies and disciplinary sanctions. The Title IX Coordinator is responsible for effective implementation of any non-disciplinary remedies, with the assistance of building and District administrative personnel, while disciplinary sanctions will be imposed by persons charged with such responsibilities under other Board policies, regulations or administrative procedures. The District may also proceed against the respondent or complainant pursuant to the District's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/procedures. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the District.

**J. Informal Resolution.**

At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the District may offer an optional informal resolution process<sup>3</sup> (e.g., mediation, arbitration), provided that the District:

1. Provides written notice to the parties disclosing:
  - a. The allegations of the formal complaint;
  - b. The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
  - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary written consent to the informal resolution process; and

**In no event may the District offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.**

**Legal References:**

*Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq 20 U.S.C. §1232g, Family Educational Rights and Privacy Act*  
*34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations*  
*34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures.*  
*34 CFR 106.30, Definitions*  
*34 CFR 106.44, Recipient's response to sexual harassment*  
*34 CFR 106.4, Grievance process for formal complaints of sexual harassment*  
*34 CFR 106.71, Retaliation*  
*RSA 193:38, Discrimination in Public Schools*  
*NH Dept of Ed. Rules Ed 303.01 (i), School Board Substantive Duties*  
*Ed 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy*

**Policy Adoption & Revision History:**

First Reading:



**PROCEDURAL SAFEGUARDS**  
**NONDISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY**

The School District will ensure that all students with a handicap or disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal and state laws and regulations. In addition, all staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook (**Appendix IHBA-R**).

**Legal References:**

*34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap*

*Section 504 of The Rehabilitation Act of 1973*

*NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards*

**Policy Adoption & Revision History:**

First Reading:



**NURSING MOTHERS ACCOMMODATIONS****A. Statement of Purpose.**

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

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

**B. Accommodation Notice of Plans.**

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

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

**C. Reasonable Time to Express Milk During the School Day.**

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

A nursing mother who is an hourly employee will be paid during nursing periods. Nursing mothers shall not be required to “make up” time relating to the use of unpaid nursing periods.

**D. Suitable Private Areas for Nursing.**

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

1. May be temporary or permanent;

2. Shall be shielded from view and free from intrusion by other persons, including, without limitation, other staff or students;
3. Shall be within a reasonable walk to the nursing mother's work station or classroom unless otherwise agreed by the nursing mother;
4. Have at a minimum an electrical outlet and chair, if feasible;
5. Have a sink with running water, if feasible, or be in proximity to one;
6. Have a refrigerator for breast milk storage, if feasible, or be in proximity to one; and
7. Shall be cleaned regularly by District staff assigned to that duty.

E. Nursing Mother Responsibilities.

Nursing Mothers will:

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

F. Prohibited Conduct.

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

G. Dissemination of Policy.

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

**Legal References:**

*20 U.S.C. 1681, et. Seq. Title IX of the Education Amendments of 1972*  
*42 U.S.C. 2000gg Pregnant Worker Fairness Act ("PWFA")*  
*42 U.S.C. 218d Pump for Nursing Mothers Act ("PUMP Act")*  
*RSA 275:78-83 Policies Relating to Nursing Mothers*

**Policy Adoption & Revision History:**

Board Review:

- 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 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.

**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

**DRUG-FREE WORKPLACE/DRUG-FREE SCHOOLS**

Drug and alcohol abuse in the workplace or at school or in connection with school-sponsored activities on or off school grounds threatens the health and safety of our students and our employees and adversely affects the educational mission of the District. Accordingly, the District is committed to providing a drug and alcohol free learning environment and workplace.

**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;

TOBACCO PRODUCTS BAN USE AND  
POSSESSION IN AND ON SCHOOL FACILITIES AND GROUNDS

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**

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.

**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*

**Policy Adoption & Revision History:**

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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.

**Legal References:**

*RSA 193-B, Drug Free School Zones*

*41 U.S.C. §101, et. Seq. - Drug-free workplace requirements for Federal contractors, and Federal grant recipients*

*N.H. Admin. Code, Ed. Part 316*

**Policy Adoption & Revision History:**

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**ACCOUNTABILITY**

The Board directs the Superintendent to establish an accountability system in order to collect data needed for evaluation of the district's compliance with state and federal laws on school accountability. The Superintendent will ensure that the district's statistical reports are filed in a timely manner with the New Hampshire Department of Education.

**Legal References:*****NH Constitution Pt. 2, Art. 83******RSA 194:2******RSA 195:6******RSA 197:1******RSA 40:13******RSA Ch. 33******New Hampshire Constitution******School Districts to be Corporations******Powers and Duties of Cooperative School Districts******Annual School District Meeting******Use of Official Ballot******Municipal Finance Act*****Policy Adoption & Revision History:**

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First Reading:

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**SCHOOL BOARD POLICIES AND ADMINISTRATIVE PROCEDURES****GENERALLY**

The policies of the Board are intended to establish the general and overall rules within which day-to-day operations of the School District are to be governed. Procedures for carrying out and implementing the broad policies of the Board on a day-to-day basis are to be fashioned and adopted by the administration, under the direction of the Superintendent. As applicable, members of the District community are expected to comply with both Board policy and administrative procedures, subject to the limitations and exceptions set forth herein. However, the failure of the Board or the Administration to comply with policy shall not invalidate any lawful action taken.

**CONTENTS OF BOARD POLICY AND ADMINISTRATIVE PROCEDURE**

The policies of the Board shall be composed of (1) the policies contained in this Policy Manual; (2) the contents of administrative job descriptions adopted by the Board; (3) all formal Student Handbooks; and (4) all formal Employee Handbooks.

Administrative procedure is not part of Board policy and may be altered by the administration without Board action. Administrative procedure, however, may not conflict with Board policy.

**LIMITATIONS OF POLICY**

Neither the policies of the Board nor the procedures of the administration are intended, nor shall they be construed, to supersede or preempt any applicable laws, whether constitutional, statutory, regulatory, or common in origin. Consequently, all Board policies and administrative procedures shall be given both an interpretation and application which is lawful. The Board shall have the final interpretation of its policies and the administration shall have the final interpretation of its procedures.

As the Board policies and administrative procedures are limited by legal constraints, so too are the rights of those to whom the Board policies and administrative procedures apply. Neither the policies of the Board nor the procedures of the administration are intended to expand the rights of individuals beyond those established by law or to give to any individual a cause of action not independently established in law. Enforcement of Board policy shall rest exclusively with the Board, and enforcement of administrative procedures shall rest exclusively with the administration.

Board policy and administrative procedure shall not preempt, create, supplant, expand or restrict the rights or liabilities of students, employee, taxpayers, or others within the School District beyond those that are established in law and are not intended to restrict or limit students, employees, or other members of the School District community from pursuing any claims or defenses available under law.

**EXCEPTIONS**

Exceptions to any policy or the application of any policy may be made if requested or recommended in accordance with the following procedures:

- a. Any person may request an exception to any Board policy or the application of same by submitting a letter to the Superintendent. The request shall identify: (1) the name, address and telephone number of the person making the request; (2) the policy for which the exception is being requested; (3) the action that the requesting individual desires, and (4) the rationale supporting the need for an exception.
- b. The Superintendent or his/her designee, shall conduct a sufficient investigation of any request for an exception so as to be able to formulate a recommendation for the Board. Among the factors to be evaluated are the relevant facts related to the request, the rationale of both the policy and the request for the exception; and the disposition of prior requests for exceptions to the same or similar policies.
- c. Following the Superintendent's investigation, the Superintendent may place the request for exception on the agenda and shall report to the Board the circumstances surrounding the request and his/her recommended disposition. The person requesting the exception shall be notified in advance of this agenda item, and shall be given a reasonable opportunity to address the Board before the Board determines whether to grant the request for an exception.
- d. The Board shall have final and exclusive authority to determine whether to grant any request for an exception and shall be the sole judge of whether the rationale for the exception is sufficient, taking into consideration the recommendation of the Superintendent. Moreover, the granting of exceptions in the same or similar cases shall not constitute binding precedent or practice inasmuch as the prior grant of an exception may establish that the granting of an exception is ill-advised.
- e. Exceptions to administrative procedure shall be made in accordance with the procedures established by the Superintendent.

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

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Board Approval:

**SCHOOL BOARD POLICIES AND ADMINISTRATIVE PROCEDURES**

State law provides that public schools will be operated and maintained by local School Boards. As agents of the state, School Boards are required to implement state laws pertaining to public education and to carry out the rules of the State Board of Education.

The Board is an agent of the State and derives its authority from the New Hampshire Constitution, New Hampshire Statutes, and Rules of the State Board of Education.

Further, the School Board shall be responsible for establishing the structure, accountability, advocacy, and delivery of instruction in each school operated and governed in its district, consistent with applicable law.

**Legal References:**

<i><b>RSA 186:5</b></i>	<i><b>State Board of Education Powers</b></i>
<i><b>RSA 189:1-a</b></i>	<i><b>Duty to Provide Education</b></i>
<i><b>RSA 194:1-3</b></i>	<i><b>School Districts: General Powers and Duties</b></i>
<i><b>RSA 197:1</b></i>	<i><b>Annual School District Meetings</b></i>
<i><b>NH Rule Ed 303</b></i>	<i><b>Duties of School Boards</b></i>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

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**SCHOOL BOARD POWERS AND DUTIES**

The school Board shall exercise all the powers and duties prescribed to them by applicable state and federal laws, and rules of the New Hampshire State Board of Education.

**Legal References:**

<i>RSA 189:1-a</i>	<i>Duty to Provide Education</i>
<i>RSA 195:5</i>	<i>Cooperative School Districts; Board Powers and Duties</i>
<i>NH Rule 303.01</i>	<i>Duties of School Board</i>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

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**SCHOOL BOARD MEMBER AUTHORITY**

The authority of individual Board members is limited to participating in actions taken by the Board as a whole when legally in session. Board members shall not assume responsibilities of administrators or other staff members. The Board or staff shall not be bound in any way by any action taken or statement made by any individual Board member except when such statement or action is pursuant to specific instructions and official action taken by the Board.

Each Board member shall review the agenda and any study materials distributed prior to the meeting and be prepared to participate in the discussion and decision-making for each agenda item. Each agenda will provide an opportunity for Board members to comment on District activities and/or educational issues. These comments may become topics for future Board discussions.

Board members may occasionally serve on committees or organizations for the purpose of reciprocal communication and reporting back to the Board. Committee assignments will be made by the Chairperson with Board approval.

Each member is obligated to attend Board meetings regularly. Whenever possible, each Board member shall give advance notice to the Chairperson or Superintendent of his/her inability to attend a Board meeting.

**Legal References:**

<i><b>RSA 91-A:2</b></i>	<i><b>Meetings Open to Public</b></i>
<i><b>RSA 91-A:-a</b></i>	<i><b>Communication Outside Meetings</b></i>
<i><b>NH Rule 303.01</b></i>	<i><b>Substantive Duties of School Boards</b></i>

**Policy Adoption & Revision History:**

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**ROLES AND DUTIES OF THE BOARD CHAIRPERSON****Duties of the Chairperson**

The Chairperson shall preside at all meetings of the Board and shall perform other duties as directed by law, New Hampshire Department of Education rules, and by this Board. In carrying out these responsibilities, the Chairperson shall:

1. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Board;
2. Consult with the Superintendent in the planning of the Board meeting agendas;
3. Confer with the Superintendent on crucial matters that may occur between Board meetings;
4. Appoint members to serve on specific committees, subject to full Board approval;
5. Call emergency meetings of the Board as necessary;
6. Be the public spokesperson for the Board at all times except as this responsibility is specifically delegated to others; and
7. Preside at and be responsible for the orderly conduct of all Board meetings.

As presiding officer at all meetings of the Board, the Chairperson shall:

1. Call the meeting to order at the appointed time;
2. Announce the business to come before the Board in its proper order;
3. Enforce the Board's policies relating to the order of business and the conduct of meetings;
4. Put motions to a vote and announce the vote result.

The Chairperson shall have the right, as other Board members have, to offer motions, discuss questions, and vote.

**Duties of the Vice-Chairperson**

In the absence of the Chair, the Vice-Chair shall perform all the duties of the Chair.

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

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**SCHOOL BOARD ELECTIONS**

The School Board shall consist of an odd number of members elected by the qualified voters of the District at the annual District elections.

The term of office of each member of the School Board shall be for a period of three (3) years. Vacancies that occur before the expiration of a member's term shall be filled pursuant to Board policy BBBC. A member appointed to fill a vacancy shall serve only until the next annual election, at which point the seat will be open for election to serve the remainder of the original term.

**Legal References:**

<i>RSA 189:1-c</i>	<i>School Board Student Member</i>
<i>RSA 195:19-a</i>	<i>Composition of Cooperative School Boards</i>
<i>RSA 195:19-b</i>	<i>Reapportionment</i>
<i>RSA 671:4</i>	<i>School District Elections: Board</i>
<i>RSA 671:22</i>	<i>School District Election at Town Meeting</i>
<i>RSA 671:33</i>	<i>Vacancies</i>
<i>NH Code BBBC</i>	<i>Board Member of District Officer Resignation</i>
<i>NH Code BBBE</i>	<i>Vacancies and Unexpired Term Fulfillment</i>
<i>NH Cide BIE</i>	<i>Board Member Indemnification</i>

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<i>RSA 195:19-b</i>	<i>Reapportionment</i>
<i>RSA 671:4</i>	<i>School District Elections: Board</i>
<i>RSA 671:22</i>	<i>School District Election at Town Meeting</i>
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**BOARD MEMBER QUALIFICATIONS**

To become a candidate for the School Board, a person must be a registered voter in the district. No person holding the office School Board member shall at the time hold the office of school district moderator, treasurer, or auditor. No person employed on a salaried basis by a school administrative unit or by a School District within a school administrative unit shall be a School Board member in any district of the school administrative unit. Salaried positions shall include, but are not limited to, the following: teacher, custodian, administrator, secretary, school bus driver (if paid by the district), school lunch worker and teacher's aide.

Candidates for the School Board should be mindful that the position requires significant time, effort and commitment to the school and community. Individuals who do not feel they will be able to provide significant time, effort and commitment are discouraged from seeking candidacy.

The same qualifications shall exist when the School Board seeks to fill vacancies.

**Legal References:**

<i>RSA 197:26</i>	<i>Vacancies</i>
<i>RSA 671:14</i>	<i>School District Elections: Qualifications</i>
<i>RSA 671:18-19</i>	<i>School District Elections: Nominations</i>
<i>RSA 671:33</i>	<i>Vacancies</i>

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**BOARD MEMBER OR DISTRICT OFFICER RESIGNATION**

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

However, if, for reasons of health, change in domicile, or any other compelling reason a Board member or other officer does decide to terminate service, the Board requests earliest possible notification of intent to resign so that the Board may plan appropriately for filling the vacancy per Board policy BBBC (relative to filling vacancies).

- A. **Tender of Resignation.** Ideally, a board member intending to resign will provide a written letter of resignation to the School District Clerk, c/o the Superintendent, with a copy to the School Board Chair (or Vice Chair if the Chair is the one submitting the resignation). Alternatively, a board member may submit a letter of resignation at a meeting of the Board. In the event that a board member tenders a resignation orally, outside of a public meeting, the Board member will be requested to confirm the resignation in writing and submit the same as stated above.
- B. **Board Acknowledgement.** Whether submitted in writing or not, the Board shall address the tendered resignation either at the meeting at which the tender is received or at the next public meeting of the Board. There is no need for the Board to formally “approve” the resignation, as a Board may not compel a member to serve a full term by way of a negative vote on a motion to “accept.” However, the Board, through the Chair or presiding officer, should acknowledge the tendered resignation at the meeting and assure that the same is reflected in the minutes.
- C. **Effective Date.** The letter/statement of resignation should indicate when the resignation will be effective. If the tendered resignation does not state a date, then the letter shall be deemed to express an intent that the resignation take immediate effect. Also, pursuant to RSA 652:12, some vacancies (e.g., moving out the district, conviction of a felony while in office, etc.) arise by operation of law upon a specific occurrence, and therefore are effective upon the occasion of that occurrence.
- D. **Withdrawal of Resignation.** A tendered resignation, whether made in writing or orally, may not be withdrawn after the Board’s acknowledgement without the consent of a majority of remaining Board members upon vote taken in a public meeting prior to a successor being appointed.

- E. **Copies to District Clerk.** The Superintendent shall as soon as practicable assure that the District Clerk is provided with a copy of any letter of resignation and/or of the minutes of the meeting at which the resignation is acknowledged by the Board.
- F. **Filling of Vacancy Upon Resignation.** Board member vacancies shall be filled in accordance with Board policy BBBE and applicable law.

**Legal References:**

<i>RSA 652:12</i>	<i>Vacancy (applicable by way of RSA 652:1 Elections)</i>
<i>RSA 671:33</i>	<i>Vacancies</i>

**Policy Adoption & Revision History:**

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**BOARD MEMBER REMOVAL FROM OFFICE**

School Board members may only be removed from office as provided in RSA 32:12 and RSA 42:1-a. RSA 32:12 prohibits School Board members from violating the provisions of RSA 32 relating to the expenditures of school district money. RSA 42:1-a prohibits school board members from breaching confidentiality standards. Violations of either of these statutes may result in the board member being removed from office.

**Legal References:**

*RSA 32:12*  
*RSA 42:1-a*

*Municipal Budget Law: Penalty*  
*Oaths of Town Officers: Manner of Dismissal, Breach of Confidentiality*

**Policy Adoption & Revision History:**

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**BOARD MEMBER REMOVAL FROM OFFICE**

**A. Definition and Occurrence of a Vacancy.** A vacancy on the School Board or other District office is defined in RSA 652:12, and occurs when subsequent to election but prior to the expiration of that person's term, the office holder/office holder elect, either:

- i. Resigns (see Board policy BBBC for resignation process);
- ii. Dies;
- iii. Ceases to have domicile in the district or town from which he/she was elected;
- iv. Is determined by a court to be mentally incompetent;
- v. Is/has been convicted which disqualifies him/her holding office (e.g., bribery, willful violation of election laws) or sentenced while in office after conviction for a felony;
- vi. Has the election voided by a court or the ballot law commission; or
- vii. Fails to take the oath of office within 30 days of the election, or fails to give/renew a bond required by law

Although a formal resignation best serves the district when possible, many of the reasons cause a vacancy to occur by operation of law (e.g., death or relocation). In circumstances that are unclear (e.g., relocation out of district), the Superintendent and/or Board Chair should consult with counsel.

A temporary absence does not constitute a vacancy.

**B. Authority to Fill Vacancy.**

Vacancy on School Board. In the event of a vacancy on the school board the remaining school board members representing the same town or towns as the departed member shall fill the vacancy, provided that there are at least 2 such members. At-large seats and members are considered to be "representative(s) of the same town or towns." If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, then the Select Board or Select Boards representing the same town/towns as the departed member may make the appointment, failing which the District Moderator will make the appointment. RSA 671:33, II(b).

1. Vacancy of Any Office Other than School Board or Moderator. The entire school board shall fill vacancies occurring in other district offices, except that of moderator, until the next annual meeting of the district. RSA 671:33, II(a) and RSA 197:26.
2. Moderator Vacancy. Vacancies in the office of moderator shall be filled by vote at a school meeting or election, provided that, until a replacement is chosen, the school District Clerk shall serve as moderator or shall appoint a moderator pro tempore. See RSA 671:33, III and RSA 197:20.
3. Budget Committee Vacancy. In the event of a vacancy on the cooperative budget committee, the remaining budget committee members representing the same town or towns as the departed member shall fill the vacancy, provided that there are at

least 2 such remaining members. At-large seats and members are considered to be “representative(s) of the same town or towns.” If there are less than 2 remaining members on the cooperative school board representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, then the Select Board or Select Boards representing the same town/towns as the departed member may make the appointment, failing which the District Moderator will make the appointment. RSA 671:33, IV.

**C. Duration of Appointment.** For positions normally elected by the voters, a person appointed to fill a vacancy will serve only until the next election, at which point the voters will vote for a replacement to serve for the remainder of the original holder’s term. For non-elected positions (i.e., those ordinarily appointed by the board), the person appointed to fill the vacancy will serve until the expiration of the original holder’s term. See RSA 671:33.

**D. Vacancy Arising During Filing Period.** Other than a seat that is already open (for election or re-election) as of the beginning of the filing period, a vacancy which occurs between the beginning of the filing period and the district election shall be filled by appointment. See RSA 671:33, V.

**E. Process to Fill Vacancies by the Board.** The Board will generally employ the following process when there is a vacancy on the Board, or in other office for which the Board has authority to fill the vacancy. Except as required by RSA 91-A:2 and 3, the Board reserves the right to waive, supplement or otherwise amend any part of the process.

Discussion by the Board of the process to be used to fill a vacancy, and the appointment process itself, including candidate interviews, shall occur in public session during a duly noticed meeting. The only possible exception could be a limited discussion regarding a potential candidate wherein that part of the discussion is likely to adversely affect the reputation of a person other than a board member. See RSA 91-A:3, II(c).

Once the Board has confirmed or acknowledged the vacancy, the Board will advertise/post notice of the vacancy on the District web-site and in such other manner as the Board deems appropriate. Among other things, the notice shall invite interested persons to submit a letter of interest to the Board Chair, with a copy to the Superintendent. All such letters shall be included in the public meeting materials for the meeting at which the appointment is to be considered.

Interviews of candidates for vacant positions will take place in a meeting open to the public.

After motion and second, vote shall occur by voice or hand in public session (secret ballots are not allowed under RSA 91-A:2, II).

**Legal References:***Pt 1, Art. 11**RSA 197:20**RSA 197:26**RSA 607-A:2**RSA 652:12**RSA 671:33**NH Constitution; Elections and Elective Franchises  
Clerk**Vacancies**Rights Lost**Vacancy (applicable by way of RSA 652:1 Elections)**Vacancies***Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

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Board Approval:



**SCHOOL BOARD MEMBER ETHICS**

In order to fulfill its duty under state law to provide education to pupils within the District, the Board adopts the following expectations for each of its members.

AS A MEMBER OF THE SCHOOL BOARD, AND IN ACCORDANCE WITH MY OATH OF OFFICE, I WILL STRIVE TO IMPROVE PUBLIC EDUCATION BY STRIVING TO ADHERE TO THE FOLLOWING EXPECTATIONS:

1. Attend all regularly scheduled Board meetings, insofar as possible, and become informed concerning issues to be considered at those meetings.
2. Understand that the Board, as governing body, does not manage the District, but rather sets the broad goals and standards for the District by way of policies adopted by a quorum of the Board at proper meetings under the Right-to-Know law.
3. Be informed about current educational issues by individual study and through information, such as those sponsored by my state and national school board associations.
4. Make decisions and take votes based upon the available facts, the full deliberation of the Board, and my independent judgment, and refuse to surrender or subordinate that judgement to any individual or special interest group.
5. Work respectfully with other Board members by encouraging the free expression of differing opinions and ideas.
6. Seek opportunities for the Board to establish systematic communication channels with students, staff, and members of the community.
7. Recognize that as a general principle the District and its students benefit when Board decisions, which have been made following consideration of all sides and vote of a quorum, receive the subsequent support of the whole Board, whenever practicable.

8. Respect the confidentiality of information that is privileged under applicable law or is received in confidence or non-public session.
9. Recognize that individual Board members are without authority to act relative to School District business, and that I may not individually commit the Board to any action except as specifically designated to do so by Board action.
10. Understand the chain of command and refer problems or complaints to the proper administrative office per applicable School Board policies.
11. Work with the other Board members to establish effective Board policies, and foster a relationship with the District administration toward the effective implementation of those policies and management of the District operations, personnel and facilities.
12. Communicate to the Superintendent and to the Board (only as consistent with the Right-to-Know law) expressions of public reaction to Board programs, policies and other Board actions.
13. Present personal criticisms concerning District operations, staff, etc. to the Superintendent, not to District staff, the public, or unnecessarily at a Board meeting.
14. Establish policies and protocols for systematic communications with students, staff, and members of the community. Support the employment of those persons best qualified to serve as school staff and insist on a regular and impartial evaluation of all staff.

**Legal References:**

***RSA 189:1***  
***RSA 189:1-a***

***Days of School***  
***Duty to Provide Education***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**BOARD MEMBER CONFLICT OF INTEREST**

As elected officials, school board members owe a duty of loyalty to the general public in protecting the school district's interests. Therefore, the Board declares that a conflict of interest is a personal, pecuniary interest that is immediate, definite, demonstrable, and which is or may be in conflict with the public interest.

A board member who has a personal or private interest in a matter proposed or pending before the Board will disclose such interest to the Board, will not deliberate on the matter, will not vote on the matter, and will not attempt to influence other members of the Board regarding the matter. Additionally, Board members should refrain from engaging in conduct or actions, that give the appearance of a conflict of interest, embarrass the Board, or personally embarrass another Board member.

It is not the intent of this policy to prevent the District from contracting with corporations or businesses with which a Board member is an employee. The policy is designed to prevent placing a Board member in a position where his or her interest in the public schools and his or her interest in his or her place of employment (or other indirect interest) might conflict, and to avoid appearances of conflict of interest even though such conflict may not exist. RSA 95:1 requires that "No person holding a public office, as such, in state or any political subdivision governmental service shall, by contract or otherwise, except by open competitive bidding, buy real estate, sell or buy goods, commodities, or other personal property of a value in excess of \$200 at any one sale to or from the state or political subdivision under which he holds his public office." Through the use of open competitive bidding or recusal of any Board member who has a conflict of interest, the Board will seek to obtain the best value for the district while avoiding impropriety or the appearance of impropriety.

**Nepotism**

The Board may employ a teacher or other employee if that teacher or other employee is the father, mother, brother, sister, wife, husband, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of the Superintendent or any member of the Board.

This paragraph shall also apply to any other person who shares the expenses of daily living with the Superintendent or any member of the Board. Such a relationship will not automatically disqualify a job applicant from employment with the school district.

However, the Board member shall declare his/her relationship with the job applicant and will refrain from debating, discussing, or voting on a nomination or other issue. In the case where the relationship is with the Superintendent, the Superintendent shall disclose the relationship to the Board as early as possible in the recruitment/selection process for the open position or in the case of someone currently employed by the district, before recommending any job related action pertaining to the individual. The Board shall determine whether, were the candidate selected, the supervisor - subordinate relationship between the Superintendent and the prospective employee will be sufficiently indirect, to

not disqualify the candidate. If not disqualified, and prior to candidates for the position being screened and a nominee being selected, or the Board approving any job related action, the Superintendent and the Board shall agree on a mechanism to address the conflict of interest. Where practical, the Board may designate another district staff member to fulfill the role of the Superintendent for the selection of a nominee for the position or take appropriate alternative steps. The job applicant is expected to declare his/her relationship with the Board member or Superintendent as well.

This shall not apply to any person within such relationship or relationships who has been regularly employed by the Board prior to the inception of the relationship, the adoption of this policy, or a Board member's election.

**Legal References:**

*RSA 95:1                      Public Officials Barred from Certain Private Dealings*

*109 NH 164 (1968)      Atherton v. Concord*

*113 NH 667 (1973)      Marsh v. Hanover*

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

**BOARD MEMBER CONFLICT OF INTEREST**

Board officers will include a chairperson, vice-chairperson and secretary. Officers will be elected at the board's re-organizational meeting following the school district annual meeting. Board officers will serve a one-year term, concluding at the re-organizational meeting the following year, at which time a new election of officers will occur. Officers will remain in their respective offices until new successors are elected.

If the chairperson resigns from the school board or resigns from the office of chair, the vice-chairperson will become chair of the board. If the chairperson loses his/her election or does not run for re-election, the vice-chair shall serve as chair during the organizational meeting. If the vice-chairperson or secretary resigns from the school board or from the respective office, the board will hold new elections for those offices.

The Superintendent is an ex-officio, non-voting member of the Board.

**Chairperson:**

The chairperson shall preside at all meetings. The chairperson will have the right to vote on all matters before the Board. The chairperson will consult with the Superintendent on the preparation of the agenda for each meeting, shall have authority to sign contracts and other instruments as approved by the Board in its name and on its behalf, and shall have such other powers and duties as the Board may from time to time determine.

Additionally roles and duties of the chairperson are found in Board Policy BBAB.

**Vice-chairperson:**

The Vice-Chairperson will have the powers and duties of the Chairperson in his/her absence or for the duration of the disability, and such other powers and duties as the Board may from time to time determine.

**Secretary:**

The Secretary shall be responsible for Board correspondence when directed by the Chairperson.

**Legal References:**

*RSA 95:1                      Public Officials Barred from Certain Private Dealings*

*109 NH 164 (1968)      Atherton v. Concord*

*113 NH 667 (1973)      Marsh v. Hanover*

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

**APPOINTED BOARD OFFICIALS****CLERK OF THE DISTRICT**

The Clerk of the District is an elected official except in cooperative School Districts, where he/she is appointed by the board. The Clerk shall keep a true record of each District meeting and make any reports to the State of New Hampshire as may be required and shall carry out duties as required by law.

**TREASURER**

The Treasurer of the District shall be elected by the Board in cooperative Districts and shall not be a member of the School Board. He/She shall receive such remuneration as the District may determine and perform such duties pertaining to the fiscal affairs of the School District as outlined in the New Hampshire statutes relating to public schools.

A Deputy Treasurer shall be appointed by the Treasurer subject to the approval of the Board.

**Legal References:**

<b><i>RSA 195:5</i></b>	<b><i>Cooperative School Districts: School Board Powers &amp; Duties</i></b>
<b><i>RSA 197:20</i></b>	<b><i>Clerk</i></b>
<b><i>RSA 197:22</i></b>	<b><i>School Meetings &amp; Officers: Treasurer's Bond</i></b>
<b><i>RSA 197:23-a</i></b>	<b><i>School Meetings &amp; Officers: Treasurer's Duties</i></b>
<b><i>RSA 671:23</i></b>	<b><i>School District Elections: Warrant</i></b>
<b><i>RSA 671:6</i></b>	<b><i>School District Elections: Other Officers</i></b>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**BOARD – SUPERINTENDENT RELATIONSHIP**

The Board believes that policy-making is a primary function of the School Board and that the execution of those policies is the primary function of the Superintendent.

Delegation by the Board of its executive powers to the Superintendent provides freedom for the Superintendent to manage the schools within the Board's policies and frees the Board to devote its time to policy-making and appraisal functions.

The Superintendent is responsible for the administration of Board policies, the execution of Board decisions, the operation of school programs, for keeping the Board informed about school operations and issues.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**BOARD – SUPERINTENDENT RELATIONSHIP**

The Superintendent will keep the Board informed in all areas pertaining to the operation of the schools. He/she will prepare or cause to be prepared reports to the Board to facilitate its decisions. He/she will prepare the agenda for each Board meeting and will attend all meetings and participate in all deliberations except when his contract is being considered.

He/she will administer the schools in conformity with the adopted policies of the Board, the State Board of Education, and state law, making such administrative rules and regulations as may be necessary. He/she will be ultimately responsible for all areas reporting directly to him/her which include instruction, business management, personnel, pupil personnel, technical, vocational and continuing education, employee relations, information and community services, and federal and special programs. He/she will coordinate these functions to obtain the efficient operation of schools for the benefit of the total community.

The responsibilities of the Superintendent in a cooperative climate with the Board are identified as:

<u>BOARD</u>	<u>SUPERINTENDENT</u>
1. To select a competent, established, educational leader as Superintendent.	To recommend sound policy and implement adopted policies by formulating and enforcing rules and regulations.
2. To serve as a policy-making body.	To make Board policy effective through efficient administration.
3. To allow the Superintendent to administer the schools	To keep the Board informed on financial matters, provide sound long-range planning, and keep current expenditures within the approved budget.
4. To exercise sound judgment in business affairs of the school corporation.	To administer effectively and provide the professional and educational leadership necessary.
5. To deal always in an ethical, honest, straight-forward, open-and-above-board manner with the Superintendent and the community.	To deal always in an honest, professional, straight-forward, open-and-above-board manner with the staff and community.
6. To provide necessary personnel within budget limitations.	To present personnel needs to the Board.
7. To approve an organizational pattern for the Administration.	To make assignments for each position with the Board's authorization.

8. To take legal action required by law.	To recommend to the Board all action required by law.
9. To examine and approve an annual budget.	To recommend an annual budget with necessary supporting data.
10. To function as a Board rather than as individuals.	To deal with the Board as a whole rather than with individual members.
11. To carry on communications with members through the Superintendent.	To see that the staff can have necessary communication through the Superintendent with the Board.
12. To hold the Superintendent accountable for results.	To accept responsibility for the results.
13. To remember that schools exist for the benefit of the students and community.	To remember that schools exist for the students and community.
14. To fulfill such other duties required by regulations of the State Board of Education.	To fulfill such other duties required by regulations of the State Board of Education and state law.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

**COMMITTEES AND DELEGATES**

The Board may have the following standing committees as deemed necessary:

1. Building and Maintenance
2. Extracurricular
3. Policy
4. Finance/Audit
5. Transportation
6. Negotiations

Standing and special committees and delegations shall be appointed by the Chairperson of the Board and approved by vote of a majority of the Board. Committees will meet as needed on problems pertaining to said committee and will make recommendations for action by the full Board.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**ADVISORY COMMITTEES TO THE BOARD**

The Board may rely on advisory committees to counsel it as a means of discerning the needs and desires of the School District and its residents. The central purpose of all advisory committees is to contribute to the educational program by conducting studies, identifying problems, and developing recommendations that enhance the effectiveness of the decision-making process.

Any advisory committee shall have only those duties and powers as the Board determines. The ultimate authority to make decisions will continue to reside with the Board. No advisory committee's recommendations shall have any limiting effect on appropriations, unless all the procedures of RSA 32 have been followed.

Specific topics for study or activity shall be assigned in writing to each committee. Upon completing its assignment, each committee shall either be given new problems or be dissolved. Advisory committees shall not be allowed to continue for prolonged periods without a definite assignment. Each committee shall be instructed as to the length of time each member is being asked to serve, the service the Board wishes it to render, the resources the Board intends to provide, the approximate dates on which the Board wishes it to submit reports, and the approximate date on which the Board wishes to dissolve the committee. The committee shall be instructed as to the relationship it has to the Board, to individual Board members, to the Board member(s) assigned to provide liaison, to the Superintendent, the committee assistant, and the remainder of the professional staff.

The Board shall have sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time during the life of any committee.

The Board may seek the advice of the Superintendent before establishing or dissolving any advisory committee.

The Board shall make all appointments of citizens to advisory committees. The Superintendent shall make all appointments of staff members to citizens advisory committees after approval of the Board.

The School Board shall see that the public is made aware of the services rendered by such committees of citizens as it may appoint and shall see that the public is informed of the major conclusions and recommendations made by such committees. All public announcements concerning the organization, membership, operation, recommendations and dissolution of such committees shall be made at such time and in such manner as the Board may choose.

**Legal References:**

***RSA 32:24***

***Other Committees***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

**SCHOOL ATTORNEY**

The Board recognizes that the increasing complexity of School District operations frequently requires procurement of professional legal services. Consequently, it shall retain an attorney or law firm for that purpose.

A decision to seek legal advice or assistance on behalf of the School District shall normally be made by the Superintendent or by persons specifically authorized by the Superintendent. Such action shall occur where it is consistent with approved District policy or standard practice and meets an obvious need of the District. It may also take place as a consequence of formal Board direction.

Many types of instances of legal assistance to the District may be considered routine and not necessitating specific Board approval or prior vote. For example, the Superintendent may consult with the school attorney to interpret statutory requirements or regulations, prepare or review contracts and seek legal opinions regarding other District issues.

However, when the administration concludes that unusual types or amounts of professional legal service may be required, Board authorization for such service shall be promptly requested.

**Legal References:*****RSA 91-A******New Hampshire Right to Know Law ("Access to Governmental Records and Meetings")*****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**REGULAR BOARD MEETINGS**

The Board shall meet at least once every two months. Unless otherwise determined by Board action, regularly scheduled Board meetings will be held

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Notice of all board meetings will be posted in accordance with the provisions of RSA 91-A. The Superintendent is authorized to post notice of the meeting on the District website. Minutes of all meetings will be taken and provided in accordance with the provisions of RSA 91-A.

All meetings shall be open to the public. Agendas will be established per Board Policy BEDB. The Board reserves the right to amend the agenda during the meeting, upon majority vote. Public comments will be allowed per Board Policy BEDB.

Additional meetings may be scheduled at the call of the Chair. Emergency meetings may be called in accordance with the provisions of RSA 91-A:2 and Board Policy BEB.

A majority of the Board shall constitute a quorum. Provisions for meeting a quorum are established in Board Policy BEDC.

The School Board recognizes that the consistent attendance of Board Members at Board Meetings is essential for the efficient, effective operation of the Board's duties as well as fulfilling our individual obligations as elected officials.

**Legal References:**

<b><i>RSA 91-A</i></b>	<b><i>New Hampshire Right to Know Law ("Access to Governmental Records and Meetings")</i></b>
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**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**SCHOOL BOARD MEMBER USE OF ELECTRONIC COMMUNICATION  
DEVICES DURING SCHOOL BOARD MEETINGS**

School board members will refrain from using electronic communication devices during board meetings. Electronic communication devices means, but is not limited to, cell phones, cell phones, camera phones, pagers, beepers, and other similar electronic communication devices. Board members will not use these devices during meetings to communication with members of the public regarding official school board business, agenda items, or other board matters that are properly discussed publicly during board meetings.

This policy is not meant to prohibit Board members from using computers or similar devices during a meeting, provided such use is limited to purposes of the meeting only.

**Legal References:**

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**EMERGENCY BOARD MEETINGS**

Emergency meetings may be called by the Chairperson or by action of a majority of the Board. For the purposes of this policy, an emergency is defined as a situation where immediate undelayed action is deemed to be imperative by the Chairperson. In the event of an emergency meeting, the Board will post notice of time and place of the emergency meeting as soon as possible and will also use other reasonable means to inform the public that an emergency meeting is to be held. Minutes of an emergency meeting will clearly state the need and purpose for the emergency meeting.

**Legal References:*****RSA 91-A:2, II******Meetings Open to the Public*****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**NON-PUBLIC SESSIONS**

The Board may meet in non-public session for any of the purposes set out in RSA 91-A:3. **Non-public sessions may only occur after a duly noticed public meeting has been called to order, and before that meeting is adjourned.** Once the public meeting has been convened, the Board may enter non-public session at any time during such meeting if a majority of the Board, by roll-call vote, find that sufficient grounds under 91-A:3, II exists. A non-public session may occur during a duly notice meeting irrespective of whether a non-public session appeared on either the meeting notice or meeting agenda.

The motion calling for a non-public session will state the matter(s) to be discussed and will state the statutory reason(s) for entering non-public session.

The Board shall record minutes of all non-public sessions, and such minutes shall be made available and or “sealed”, in accordance RSA 91-A:3. Required content and availability regarding minutes of non-public sessions are described in Board policy BEDG – Minutes.

The minutes of the non-public session constitute the record of that session. Information discussed in non-public session shall remain confidential except to the extent the same is required to be disclosed subject to applicable law or court order, or as authorized by the Board.

The Board shall require the presence of the Superintendent or his/her designee (see N.H. Dept. of Education Rule Ed 303.01(f)), except those non-public sessions that pertain to the Superintendent’s employment.

Each year the Superintendent is directed to obtain and provide to each Board member copies of any NHSBA Non-Public Session Checklist, and update the same during the year as made available by NHSBA.

**Legal References:**

<b><i>RSA 42:1-a</i></b>	<b><i>Oaths of Town Officers; Manner of Dismissal; Breach of Confidentiality</i></b>
<b><i>RSA 91-A:3</i></b>	<b><i>Non-Public Sessions</i></b>
<b><i>RSA 91-A:4</i></b>	<b><i>Minutes and Records Available for Public Inspection</i></b>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**PUBLIC NOTIFICATION OF SCHOOL BOARD MEETINGS**

All School Board Meetings are open to the public. The Board will announce at least 24 hours in advance (excluding Sundays and legal Holidays) through two public postings and, when possible, by the newspapers and the local radio station, the date, time, and place of all regular and special meetings and the major topics to be discussed.

The Board may need to hold an emergency meeting in the case where immediate un-delayed action is deemed to be imperative by the Chair or presiding Officer of the body or agency, who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meetings shall clearly spell out the need for the emergency meeting.

**Legal References:**

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

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**AGENDA PREPARATION AND DISSEMINATION**

The Superintendent shall prepare all agendas for meetings of the Board. In doing so, the Superintendent shall consult with the Board.

Items to be placed on the agenda should be received by the Superintendent at least seven days prior to the meeting. Every Board member has the right to place items on the agenda. Matters not included in the agenda may be presented during the meeting provided the Board agrees to discuss the matter. The Board may choose not to deal with every agenda item.

Consistent with RSA 91-A:3 and the laws pertaining to student and family privacy rights, the Board will not place any matter on the public meeting agenda that is to be properly discussed in a non-public session. This shall not preclude the Board from giving notice of its intent to hold or enter into a non-public session and the statutory reason for doing such.

Any Board member, staff member, student, or citizen of the District may suggest items of business. The inclusion of items suggested by staff members, students, or citizens shall be at the discretion of the Board Chairperson.

The Board shall follow the order of business set up by the agenda unless the order is altered by a majority vote of the members present. Items of business not on the agenda may be discussed and acted upon if a majority of the Board agrees to consider them. The Board, however, may not revise Board policies, or adopt new ones, unless such action has been scheduled, or unless there is an emergency.

The agenda and supporting materials should be distributed to Board members at least seven days prior to the Board meeting. Board Members shall be expected to read the information provided them and to contact the Superintendent to request additional information that may be deemed necessary to assist them in their decision-making responsibilities.

When the final agenda has been established, it will be made available to the public, upon request. Members of the public who wish to speak at Board meetings regarding an agenda item are encouraged to contact the Superintendent prior to the Board meeting. Additionally, the Board reserves the right to limit public discussion at Board meetings to agenda items only. Supporting materials sent with the agenda are subject to disclosure by the Right-to-Know law. Therefore, both the agenda and the supporting materials may be reviewed by the public prior to the meeting. Any supporting materials that contain confidential information, which is exempt from disclosure and where the Board has a legal duty to maintain the confidentiality of the information, shall be clearly marked as confidential. Board members shall not disclose any materials marked as confidential or otherwise exempt from disclosure under the Right-to-Know law.

Notices of meeting shall be consistently posted on the District's web site in a reasonably accessible location.

**Legal References:**

*RSA 91-A:5, IX      Right to Know Law – Records Exemptions (Drafts)*

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

**QUORUM**

A simple majority of the Board shall constitute a quorum for the transaction of business.

**Participating Electronically from a remote location**

When it is not reasonably practical for a member to attend in person, the member may attend via telephone, skype, or other electronic means. RSA 91-A:2, III. The following is required:

1. The reason it is not reasonably practical for the member to attend in person must be included in the minutes of the meeting.
2. The member participating electronically must identify anyone present at the location the member is participating from.
3. All votes taken during the meeting must be taken by roll call vote.
4. The public attending the meeting and all members must be able to simultaneously hear or see communication between the member participating remotely and those participating in person. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern the meeting discussion contemporaneously at the meeting location specified in the meeting notice.
5. Except for an emergency meeting, if a member is allowed to participate electronically from a remote location, there must be a quorum of the school board physically present at the location specified in the meeting notice. Except in an emergency, the members participating electronically from a remote location will not count towards satisfying the quorum requirement.
6. When, in an emergency, the quorum requirement is satisfied in part by one or more members participating electronically from a remote location, the facts requiring immediate action before a physical quorum can be gathered shall be included in the minutes of the meeting.

**Legal References:**

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

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

**BOARD MEETING – RULES OF ORDER AND PROCEDURE**

**Purpose:** The purpose of this policy is to help promote effective and efficient board meetings.

**A. General Principles.**

1. Meeting rules should facilitate, rather than inhibit, the Board's deliberation and decision-making process. The rules should be readily understandable and help keep meetings free from procedural quagmires.
2. All board members have equal rights, privileges and obligations in the deliberative and decision-making process. Meeting rules should help assure that each member is able to participate in the debate, and that no single member is able to dominate discussion to the exclusion of other members.
3. Every board member, and the public in attendance, has the right to hear what is going on at all times.
4. A meeting can deal effectively with only one specific matter at a time.
5. Members have a right to know beforehand what they will be discussing and/or voting upon.
6. A school board meeting is a meeting at which the Board conducts its business. While board meetings are open to the public (except as provided under RSA 91-A:2 and 3), board meetings are not public hearings where the public has the right to speak. Public comment at board meetings shall be governed by Board Policy BEDH.

**B. Meeting Rules.**

1. The Board Chair shall preside over all meetings of the Board. In the Chair's absence the Vice Chair will preside, followed by the most senior member then present.
2. By majority vote, the Board can overrule any ruling of the presiding officer regarding the application of these rules. A board member can raise such a request by a "Point of Order", followed by a motion with respect to the specific decision.

3. The presiding officer may make adjustments to the agenda with the consent of the majority, whether by vote or otherwise
4. All speakers should be courteous and should speak on the issue then under discussion, not to the individuals raising them.
5. Each board member has the right to participate in discussion and debate if he/she wishes, before any other member may speak a second time.
6. No one may speak unless he or she has been recognized by the presiding officer. A board member may interrupt only to state a "Point of Order", "Point of Information" or "Point of Inquiry". The presiding officer will then recognize the member for the limited purpose of stating the point of order, etc.
7. The presiding officer may decide, on his/her own initiative, or upon request by a board member, to recognize a non-board member, to address the Board with respect to the matter then under discussion.
8. Agenda items requiring action by the Board should be preceded by a specific motion, clearly articulated, followed by a second. Motions should address only one issue or idea. If a motion is complex, or has conditions, the motion should be written out and read back by the Board's minute taker.
9. If a motion does not receive a second, then the motion is treated as if it were not considered by the Board. Such a matter may be raised again at a later date in accordance with the Board's agenda policy and rules.
10. When a motion is on the floor, no new topics should be debated, and no new motions will be accepted, other than the following motions addressing the main motion or the meeting itself.
11. As provided under RSA 91-A:2, II for open sessions, and 91-A:3, III for non-public sessions, no vote may be taken by secret ballot.
12. The presiding officer should, in accordance with the duties of all board members, vote on every issue.



13. No item may be discussed or decided upon in non-public session except as provided under RSA 91-A:2 and 3. See also Board Policy BEC.

<b>Motion</b>	<b>Debatable</b>	<b>Votes Required to Pass</b>
Amend Motion	Yes	51%
Limit Debate (e.g., time limits or # of times each member may address the motion)	Non-debatable	2/3 (67%)
Call the question/close debate	Non-debatable	2/3 (67%)
Refer to Committee/Admin Study	Yes	51%
Postpone to a Later Time (Diff. day)	Yes	51%
Postpone Indefinitely (Kill)	Yes	51%
For roll call* vote		
<i>*All votes in non-public must be by roll call</i>	No	2 members
Recess	Non-debatable	51%
Adjourn	Non-debatable	51%

14. Abstentions are noted and counted, but do not affect the outcome of the vote.

15. Motions for reconsideration are not favored except when new circumstances exist or a perceived error has been made. Motions for reconsideration may only be raised at the same meeting as the original decision by a person who voted in favor of the original motion. Motions for reconsideration at a later meeting may only be considered when approved by a 3/5 super-majority, and only when the proposed motion is posted with the agenda for the subsequent meeting. Only one motion for reconsideration on an issue may be made at a meeting later than the meeting at which the original decision was made, irrespective of whether the first motion for reconsideration is successful. This provision shall only apply to the Board as constituted as of the date of the original decision.

16. The presiding officer may rule any member or other person out of order if such person disrupts the orderly conduct of a meeting, behaves in a disorderly manner, makes unlawful threats, willfully violates any of the above rules of order/procedure, or engages in any unprotected speech. If the board member or other person continues such behavior after being ordered by the presiding officer

to cease, the presiding officer is authorized to request that a police officer, warn and then remove such person from the meeting and meeting location.

**Legal References:**

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

MEETING MINUTES**A. Minutes Required.**

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

The Board will appoint a secretary to prepare the minutes of each meeting. Should the person so appointed be absent from all or part of a meeting (e.g., non-public session), the Chair, subject to being overruled by the Board, shall appoint a person to take the minutes.

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

**B. Required Content of Minutes.**

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

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

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

Approval and availability of minutes will depend in part on whether the minutes are of a public or non-public session, and as to non-public minutes, whether they are sealed or not. "Approved minutes" refers to the final version of minutes approved by vote of the

Board. "Draft minutes" refers to minutes that have not been formally approved by the Board. "Sealed minutes" refers to minutes from a non-public session and which the Board has determined should not be disclosed pursuant to RSA 91-A:3, III and as discussed in Section D, and paragraph C5, below.

1. Location and Retention of Minutes. In accordance with Board policy EH, and N.H. Dept. of Education rule Ed 302.02 (j), all minutes will be kept at the office of the Superintendent. Minutes for non-public sessions that have not been sealed shall be kept in the same location and indexed in the same manner as for public minutes.
2. Access to Approved & Unsealed Minutes. Approved and unsealed minutes shall be available for inspection by the public during the normal business hours of the SAU office, and in accordance with RSA 91-A:2 through 91-A:4 (subject to the exemptions stated in RSA 91-A:5), and Board policy EH. Requests for access to minutes shall be processed in accordance with District administrative procedures EHB-R.

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

3. Access to Draft Minutes and Minute Preparation Materials. "Draft" or "unapproved" minutes that have not been sealed will be available for inspection upon request at the SAU office during normal business hours. Drafts for public sessions must be available within 5 business days of the meeting, while drafts of non-public session minutes that have not been sealed by the Board must be available within 72 hours (3 calendar days) of the meeting. Notes and other materials used in the preparation of the minutes must be retained until the minutes are approved or finalized and shall likewise be available for inspection during that period.
4. Approval of All Minutes Other Than Sealed. Draft public minutes and non-public minutes that were not sealed will be circulated to the members of the Board before the meeting at which they are to be approved. Board members may send suggested changes back to the minute recorder **without copying the other members**. Changes made by the Board to draft minutes shall be recorded either by (i) retaining the draft with the final approved minutes, (ii) including notations (e.g., "redline" edits) in the final approved minutes, or (iii) outlined/described in the minutes of the meeting at which the Board approved.
5. Approval of Sealed Non-Public Minutes of Non-Public Sessions. Unless previously sealed by the Board, draft minutes for all non-public sessions will be made available for public inspection within seventy-two (72) hours after the non-public session.

Drafts of non-public minutes will be provided to the Board, either (i) at the conclusion of the non-public session and may be approved at the time, prior to any vote to seal, or (ii) if sealed, provided to Board at the meeting, if any, at which they are to be approved. If copies of draft, sealed minutes are provided to

Board members for the purpose of review and/or approval, the copies shall be recovered by the Chair or recording clerk and destroyed. Only the official record copy may be retained, with a list maintained for sealed non-public minutes as described in Section D, below.

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

For any public meeting that includes a non-public session (see Board policy BEC for statutorily required procedures relative to entering and exiting non-public sessions), additional information beyond that discussed in paragraphs B.1- 7, is required both for the public meeting minutes, and for minutes specific to the non-public session, irrespective of whether the non-public minutes are “sealed” (see discussion in Paragraph D.2, below).

1. Information Regarding Non-Public Session Included in Public Minutes. The public minutes of the meeting at which the non-public session occurs must include the statutory reason given in the motion as the foundation for each non-public session, as well as a roll call record of how each Board member voted on the motion to enter. Public minutes must also reflect any motion to seal (described in paragraph C.2., above), along with the statutory reason permitting the sealing (see D.2, below), and record how each member voted on the motion to seal.
2. Sealing Non-Public Minutes.
  - a. As used in this policy, “sealed” minutes in reference to minutes of non-public sessions, means that the Board determined by 2/3 majority vote in public session that “divulgence of the information” (i.e., information in the minutes of the non-public session):
    - i. Would affect adversely the reputation of a person other than a Board member;
    - ii. Would render ineffective the action/proposed action taken in non-public session; or
    - iii. Pertains matters relating the preparation for and carrying out of all emergency functions intended to thwart a deliberate act intended to result in widespread or severe damage to property or widespread injury or loss of life (i.e., terrorism).
  - b. A motion to seal, if any, should be the first item of public business after the Board exits the non-public session, and must state one of the three grounds above allowing sealing.
  - c. If the minutes are not prepared/approved during the non-public sessions itself, the Board should discuss the content of the minutes prior to exiting so that any vote to seal will be an informed vote.
  - d. When making or voting upon a motion to seal, the movant/Board should consider and state the duration that minutes be sealed based upon the grounds supporting the sealing. This can be done either by stating a date

they sealed until, or a date by which the Board might review the minutes' status. For instance, minutes sealed because divulgence of the information would likely affect adversely the reputation of a person other than a member of the Board might be remain sealed permanently, while minutes sealed because disclosure would "render the action ineffective" should be sealed only for as long as that reason exists or is anticipated to exist. Pursuant to RSA 91-A:3, III, non-public minutes relating to discussion about lease, purchase or sale of property (91-A:3, II(d)) must be made available "as soon as practicable after the transaction has closed or the Board has decided not to proceed with the transaction."

3. Minutes of the Non-Public Session Itself. In addition to the information included in all minutes as described in paragraphs B.1-7, above, minutes of the non-public session must include "all actions" and decisions (i.e., votes, including negative votes) taken by the Board, with a record of how each member voted. If the Board does not "seal" the minutes of the non-public session, then such information must be disclosed to the public within 72 hours of the close of the meeting.
4. Sealed Minutes List. In order to comply with RSA 91-A:3, III, the Superintendent is directed to maintain a list of all sealed minutes for non-public sessions occurring after July 1, 2021. The list (referred to as the "Sealed Minutes List") shall include:
  - a. the name of the public body (e.g., School Board, Policy Committee, etc.);
  - b. the date, time and location of the public meeting (from meeting notice);
  - c. the start and end times of the non-public session;
  - d. the specific grounds upon which the non-public session occurred (e.g., RSA 91-A:3, II (b) and (c), etc.);
  - e. the specific grounds upon which the minutes were sealed (e.g., "disclosure would render the action ineffective" or "disclosure would likely adversely affect the reputation of a non-board member," etc.);
  - f. the date the vote to seal the minutes occurred;
  - g. the date, if any stated in the original motion or subsequently, on which the sealed minutes will be unsealed; the motion to seal should, when possible, state the date the minutes should be unsealed or at least reviewed by the Board or other public body; and
  - h. the date, if any, of a subsequent decision to unseal the minutes.  
*The Sealed Minutes List shall be updated each time the public body seals non-public minutes, and the updated List shall be made as soon as practicable for public disclosure.*

5. Reviewing and Unsealing Previously Sealed Minutes. Pursuant to RSA 91-A:3, IV, starting on October 3, 2023, sealed minutes must either be reviewed within each ten year period or unsealed no later than the expiration of ten years following the date they were sealed or last reviewed. **Minutes sealed prior to October 3, 2023 must be reviewed and/or unsealed by October 3, 2033.**
6. Procedures. The Board establishes the following procedures pursuant to RSA 91-A:3, IV(a) for reviewing sealed minutes:
  - a. Record of Minutes Sealed Prior to October 3, 2023. The Board directs the Superintendent for her/his designee to compile a log of non-public minutes that have been sealed prior to October 3, 2023 ("Record of Minutes Sealed Before 10/3/2023" or "Record") using information from the exterior of the envelopes or other available external notations for the sealed minutes. The preparation of the Record will include minutes that are also included on the Sealed Minutes List kept according to paragraph D, above.

The preparation of the Record shall not include reviewing the sealed minutes themselves. The Record should include as much of the same information for all previously sealed minutes as is required on the Sealed Minutes List (see paragraph D.4, above). The Record of Minutes Sealed Before 10/3/2023 shall be completed no later than May 1, 2026.

Upon completion of the log of previously sealed minutes, the Board will establish a schedule for completing a review of all of the previously sealed minutes no later than June 1, 2033.

- b. Initial Review of Previously and Newly Sealed Minutes. The Board, at its organizational meeting, will designate one or two Board members (the "Reviewing Designee") to conduct the annual review according to the schedule established in the Record of Minutes Sealed Before 10/3/23, and for those minutes that are sealed after 10/3/23 according to the review date appearing on the Sealed Minutes List maintained according to paragraph D.

If the Reviewing Designee is a committee of more than one, then the initial review of sealed minutes shall be conducted in non-public session pursuant to RSA 91-A:3, II (m), but only in a duly notice meeting in full compliance with RSA 91-A:2.

In the initial review, the Reviewing Designee will inspect the sealed minutes to determine whether, in the Reviewing Designee's opinion, the reasons (see D.2.A.i-iii, above) that justified keeping the minutes from the public (i.e. sealing) under 91-A:3, III still apply.

***NOTE:*** In years past, 91-A did not require a public motion to seal. Accordingly, a review of non-public minutes --or even public minutes-- may not include sufficient information to determine what the original circumstances were that justified sealing the minutes.

If the Reviewing Designee is of the opinion that the reasons initially justifying the sealing of the minutes no longer apply, or if the minutes themselves do not include information upon which the then current board could determine that the minutes should not be disclosed, then the Reviewing Delegee will recommend to the Board that the Board unseal those minutes.

If, however, the Reviewing Designee determines that the reasons justifying non-disclosure continue to apply, the Reviewing Designee shall assign a new date - within 9 years and 10 months thereafter - for the sealed minutes to be reviewed next. The Reviewing Designee will assure that the Sealed Minutes List maintained pursuant to paragraph D.4 is updated to reflect the new date, and any additional data pertaining to the sealed minutes required by the list which was not previously discernible from external sources.

#### Board Determination Whether to Disclose Previously Sealed Minutes.

Upon receipt of recommendations from the Reviewing Designee that previously sealed minutes should be disclosed, the Board will review such minutes in non-public session under RSA 91-A:3, II(m) to determine whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply.

While the Board's review and discussion regarding previously sealed minutes may occur in non-public session, pursuant to RSA 91-A:3, II(m) any vote by the Board whether to disclose minutes shall take place in public session.

If the Board votes to disclose/unseal, the minutes shall be available for release to the public within 72 hours.

#### **Legal References:**

***RSA 197:23-a***

***RSA 294-E***

***RSA 189:29-a***

***RSA 91-A:2***

***RSA 91-A:3***

***RSA 91-A:4***

***Treasurer's Duties***

***Uniform Electronic Transfers Act***

***Records Retention and Disposition***

***Meetings Open to the Public***

***Non-Public Sessions***

***Minutes and Records Available for Public Inspection***

#### **Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**PUBLIC COMMENT AND PARTICIPATION AT BOARD MEETINGS****A. General Meeting Policy.**

Meetings of the Board shall be open to the press and public.

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

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

**B. Opportunity for Public Comment.**

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

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

1. Members of the public shall not speak unless recognized by the Board Chair or other person presiding over the meeting ("Chair" shall apply to either in this policy).
2. The Board will generally schedule the public comment period in the first half of its meetings.
3. The Board will provide a minimum of thirty minutes to hear public comment. This period may be extended by a majority vote of the Board. Additionally, the Board may include additional public comment periods for specific agenda items with a time limit for public comment specified on the pertinent agenda. If speakers do not fill the minimum 30 minute public comment period, the Board will move to table the remainder of the time until the end of the meeting. If insufficient speakers remain to fill the 30 minutes, the Board will close public comment.

4. Individual speakers will be allotted five minutes per person and each speaker will be permitted equal time. Speakers may not relinquish allotted time to another speaker. The Board may at the outset of the public comment period increase or decrease the individual time limit for all speakers (but may not decrease the aggregate time below 30 minutes).
5. The Board makes most meetings accessible online in real time with meeting links included on the meeting notice. Although the Board will allow public comment remotely, attendance in person to offer public comment is highly encouraged. The Board cannot and will not assure that in all cases the technology will/can function adequately. If technological issues arise either before or during the meeting such that the comments are not reasonably audible at the meeting location, the Chair may terminate opportunity for remote public comment, or terminate the speaker's comment period.
6. The Board will provide opportunity for written public comment for persons unable to attend the meeting. Written comments that meet the requirements of this paragraph and other provisions of this policy, will either (a) be included in the materials publicly available at the meeting, (b) briefly described in the minutes (in the same manner as comments made in person), or (c) attached to the minutes. In the event that the full thirty minutes for public comment have not been exhausted, the Board may read the written comments aloud at the meeting on a first received basis until the comment period has expired. Written comments must be submitted at least \_\_\_\_ [e.g., two, three, etc.] prior to a Board meeting, and shall be limited to \_\_\_\_ [e.g., 425, etc.]<sup>5</sup> words. Anonymous written comments will not be accepted as part of public comment as RSA 91-A:2, II requires that meeting minutes include the names of persons appearing at public meetings. Only one written comment is permitted per individual for each meeting. Written comments including PII or other confidential information will only be disclosed/made public as required under RSA 91-A:4 and 5, and Board policy. This paragraph is not intended to limit other correspondence to the school district, but only pertains to writings intended to be included as public comment at a school board meeting.
7. In order to comply with the official minutes' requirements of RSA 91-A:2, II, speakers shall identify themselves clearly for the record.
8. During the public comment period, an individual may offer comments on agenda items or any other District matters (e.g., operations, budget, and other issues directly relating to the District's school policies, programs and operations.) However, consistent with RSA 189:74, I, and in the interest of protecting personally identifiable information ("PII") as well as other confidential information, comments (including complaints) regarding individual students,

volunteers, or employees (other than the Superintendent) should be directed to the Superintendent or otherwise as provided under the complaint/grievance resolution processes set forth in School Board policies KE and/or KEB.

9. Defamatory statements, comments threatening bodily harm, or other unprotected speech will not be tolerated.
10. Comments which do not adhere to the above provisions, may be ruled out of order by the Chair. Repeated violations may result in the Chair terminating the speaker's privilege of address, and possibly deeming the violations a disruption to be treated as discussed in section C below.
11. Persons appearing before the Board are reminded that the public comment period is an opportunity for members of the public to provide their input to the Board but is not a question and answer session. Board members are without authority to answer spontaneously on behalf of the Board. Thus, in most instances, Board response, if any, will be deferred pending consideration by the full Board.
12. In addition to the opportunity to offer input during the public comment period of a Board meeting, members of the public may also request initiatives or other such items to be placed on the Board's agenda. The determination whether or not to include the matter on a Board meeting agenda will be made consistent with Board Policy BEDB. Requests to have a matter placed on an agenda should be presented in writing to the Superintendent no less than fourteen days prior to the next Board meeting and must set forth the specifics of the subject to be addressed.

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

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

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

individual removed, with the potential for criminal charges. Interruptions may result in a recess, or, provided the thirty minutes for public comment has expired, and adjournment of the meeting.

**Legal References:**

***RSA 189:65, VII & VII-a***

***RSA 189:74***

***RSA 644:2***

***RSA 91-A:2***

***RSA 91-A:3***

***Definitions (Student and Teacher Personally Identifiable information)***

***School Board Public Comment Period***

***Disturbing the Peace***

***Meetings Open to the Public***

***Non-Public Sessions***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

**ADMINISTRATION IN POLICY ABSENCE**

In the absence of established Board policy or Board direction, the Superintendent shall assume responsibility for whatever decision or action is taken. In such instances, principals or other administrative or instructional personnel shall gain the approval of the Superintendent before taking any action.

In the situations which arise within the schools where the Board has provided no guides for administrative action, the Superintendent shall have power to act but his/her decisions shall be subject to review and ratification by action of the Board at its regular meeting. It shall be the duty of the Superintendent to inform the Board promptly of such action and of the need for policy.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**BOARD POLICY PROCESS**

The Board will develop policies and put them in writing so that they may serve as guidelines and goals for the successful and efficient functioning of our public schools.

The Board considers policy development its chief function, along with providing the resources such as personnel, buildings, materials, and equipment for the successful interpretation and evaluation of its policies.

Policies are principles adopted by the Board to chart a course of action. They tell what is wanted; they may include why and how much. Policies should be broad enough to indicate a line of action to be followed by the administration in meeting a number of problems; narrow enough to give clear guidance. Policies are guides for action by the administration, who then sets the rules and regulations to provide specific directions to School District personnel.

It is the Board's intention that its policies serve as sources of information and guidance for all people who are interested in, or connected with, the public schools.

Changes in needs, conditions, purposes, and objectives will require revisions, deletions, and additions to the policies of present and future Boards. The Board will welcome suggestions for ongoing policy development from citizens, students, and staff in the District.

Action on such proposals, whatever their source, is taken finally by the Board after receiving the recommendation of the Superintendent. The Superintendent bases his/her recommendations upon the outcomes of study and upon the judgment of the professional staff and appropriate study committees. The Superintendent shall seek counsel of the School Attorney when there may be a question of legality or proper legal procedure in the development of a proposed School Board policy.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**POLICY DEVELOPMENT SYSTEM**

The Board endorses for use in this District the policy development, codification, and dissemination system of the New Hampshire School Boards Association.

This system is to serve as a general guideline for such tasks as policy research, the drafting of preliminary policy proposals, reviewing policy drafts with concerned groups, presenting new and revised policies to the Board for consideration and action, policy dissemination, policy evaluation, and the maintenance of a continuously and easy-to-use policy manual.

**Policy Adoption, Dissemination and Review**

- A. The Board may adopt, amend, or repeal written policies at any meeting by a majority vote of Board members in attendance, provided that notice of the proposed action was given at a previous Board meeting and that each Board member was notified of the proposed action. for purposes of notification, the meeting agenda delivered to each Board member is deemed sufficient.
- B. On matters of unusual or unexpected urgency, the Board may waive the second meeting limitation and take immediate action to adopt a new policy or revise an existing policy.
- C. The Board will allow an opportunity for public comments on policy proposals.
- D. All policies will be titled, dated, and coded consistent with the classification system used by the New Hampshire School Boards Association.
- E. Board action regarding the adoption, revision or repeal of policies will be included in the minutes of the meeting at which the official action is taken.
- F. Policies and amendments will be effective immediately upon adoption, unless a specific effective date is provided in the adopted final policy.
- G. All written policies and administrative rules and regulations will be open for and available for public inspection, upon request.

- H. Manuals will be provided to each Board member and at least one master copy will be kept in each school district and one master copy in the SAU central office.
- I. All Board policies will be reviewed and evaluated by the school board on a regular and continuing basis. The Board's policy manual will be updated due to actions taken as a result of this review and evaluation.
- J. The Superintendent or designee is responsible for notifying the Board of all policy updates and revisions provided by the New Hampshire School Boards Association. The Board will then schedule time for review of such updates and will taken action accordingly regarding the adoption, revision or repeal of such policies.

A member of the SAU staff is to be designated and delegated by the Superintendent with the responsibility to maintain the Board's policy reference files, to draft policy proposals as instructed by the Board and/or Superintendent, to maintain the Board policy manual, and to serve as liaison between the Board, the New Hampshire School Boards Association, State Board of Education, and other sources of policy research information.

**Legal References:**

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

**POLICY DEVELOPMENT, ACTION AND REVIEW**

The development and adoption of policies that govern the School District is one of the School Board's most important functions. Board policies establish the goals, direction and structure of the district under the authority of applicable statutes and regulations. In addition to policies required by state and federal laws and regulations, the Board adopts policies to provide direction to the Superintendent and other administrators in the management of the district, to guide the education program, and to provide clear expectations for school staff, students and parents.

Board policies are intended to provide the framework for district operations and the educational system. In general, the operational details as to how policies will be implemented are contained in administrative procedures developed by the administration. However, the Board may adopt administrative procedures concerning its own operations, or when an issue is of sufficient legal importance to warrant a Board-level procedure.

- A. Policy Committee Responsibilities and Meetings. The Board's Policy Committee with the advice and counsel of the Superintendent, is responsible for recommending policies and policy actions to the full Board for its consideration, including adopting new policies, revising existing policies and deleting obsolete policies.
- B. Policy Committee Meetings and Agendas. The Superintendent or his/her designee, in consultation with the Policy Committee Chair, shall prepare all agendas for the meetings of the Policy Committee.
- C. Review of Existing Manual. The Policy Committee shall establish a schedule for reviewing existing Board policies and forming recommendations regarding the same for the Board.
- D. Procedures for Policy Development and Review.
  - 1. Individual Board members, Board standing or special committees, the Superintendent or other interested persons may submit policy suggestions, concerns, and/or drafts to the Policy Committee, in care of the Superintendent.
  - 2. The Superintendent or designee is responsible for notifying the Board and the Policy Committee of all policy updates and revisions provided by the New Hampshire School Boards Association. The Policy Committee will review such updates and make recommendations deemed appropriate under this policy.

3. The Policy Committee, with the assistance of the Superintendent, will review and research policy suggestions and prepare draft policies, as appropriate. The Policy Committee may delegate research and initial drafting to other Board standing committees, to District staff or others at the discretion of the Policy Committee and the Superintendent. (E.g., a policy concerning computer use may first be delegated to the Technology Committee.) If a policy is referred to a committee, staff, professional or other person for initial review/drafting, the policy shall be reviewed by the Policy Committee before submission to the full Board.
  4. The Superintendent, should seek counsel of the School Board's attorney or the New Hampshire School Boards Association when there may be a question of legality or proper legal procedure in the substance of any proposed or current board policy.
  5. The Policy Committee may also seek input from other affected persons and/or groups as appropriate.
  6. The Policy Committee will provide reports to the full board [state frequency ]. The reports will include the Policy Committee's recommendations for new policies (including full text of policies/revisions to be considered for action by the Board), as well as recommendations for repeal of existing policies. Policy Committee reports should also include any information requested by the full board, and any other information deemed appropriate by the Policy Committee.
- E. Board Actions Required to Approve, Revise or Repeal Policies. Any final action regarding the approval of a new policy, or revision or repeal of an existing policy, requires a majority vote of a quorum of the board at a public meeting.
1. Policy Committee reports shall be placed on the agenda of a regular Board meeting and will be made part of the agenda package for that meeting.
  2. All new policies, and/or revisions to existing board policies are subject to a "first reading" by the full board to occur at a regular board meeting. (There is no requirement that proposed policies/revisions be read aloud at the meeting, although either a majority of the Board or the Chair may determine that actual reading is appropriate).
  3. The Board will allow opportunity for public comment on policy proposals per Board policy BEDH {\*\*} as follows: \_\_\_\_\_ ] [NOTE: boards are required to provide opportunity for up to 30 minutes of public

*comment on school district matters as described RSA 189:74 and in sample BEDH. NHSBA recommends that boards should consider whether to allow a separate, additional, public comment period specific to policies that are on the agenda to be reviewed by/acted upon by the board. For instance, a board could provide special time for public comment as to policies on the agenda, but apply the same or similar restrictions as set in BEDH (e.g., 3 minutes, 20 minutes total, etc.).] Alternatively, although not required for committee meetings, the board could require the policy committee to allow a certain period of time for public comment relative to policies under consideration by the committee.*

4. Any changes agreed upon or requested by the Board during the first reading shall be made by the *[Superintendent OR Policy Committee OR ]* prior to the second reading.
5. At the next Board meeting (or a later meeting if so agreed by the Board), the policy shall be placed on the agenda for a second (or additional) reading, and action. Amendments may be made and acted upon at that meeting, or may be referred for further revision, etc.
6. Prior to final approval by the Board, each policy will be titled, dated, and *[coded consistent with the classification system used by the New Hampshire School Boards Association.] OR {if the district does not use the NHSBA/NEPN code system} [include a reference to the appropriate policy code assigned by the New Hampshire School Board's Association to allow for tracking updates.]*
7. Board action regarding the adoption, revision or repeal of policies will be included in the minutes of the meeting at which the official action is taken.
8. Approved policies become effective immediately unless the motion to approve the policy, or the policy itself, includes a specific implementation date.

F. Minor Revisions by Policy Committee.

The Board authorizes the Policy Committee to make non-substantive corrections and minor changes to existing policies provided that the Policy Committee shall document such modifications and report the same at the next meeting of the School Board. For the purposes of this policy, “non-substantive changes” shall include: grammatical, typographical or other clerical changes; addition or deletion of legal, cross or other references; policy code or policy class designation

changes; or correcting mis-identified or modified job titles (e.g., “school counselor” in place of “guidance counselor”). Upon review of such report from the Policy Committee, the Board may take such action as the Board deems appropriate, including accepting the report without objection or other formal action.

G. Suspension or Waiver of Policy Process.

1. The Board may adopt, amend, or repeal written policies at any meeting by a majority vote of Board members in attendance, provided that public notice of the proposed action was given at least *[days? weeks? at a previous Board meeting?]* and that each Board member was notified of the proposed action. For purposes of notification, a meeting agenda delivered to each Board member is deemed sufficient if it identifies the policy to be acted upon.
2. On matters of unusual or unexpected urgency, the Board may waive the second meeting limitation and take immediate action to adopt a new policy, or to suspend or revise an existing policy. In such instances, the meeting minutes should reflect the nature of the circumstances warranting the suspension of the normal procedures.

H. Policy Dissemination, Records and Manual Updates.

1. All Board policies, and any written administrative rules and regulations implementing such policies constitute governmental records and are subject to the provisions of RSA 91-A.
2. Notice of new, revised and deleted policies should be provided to affected groups (i.e., school staff, students, parents) and posted on the district website and by other such appropriate means determined by the Superintendent.
3. The Superintendent shall retain as government records copies of all policies deleted from the Board policy manual.
4. An up-to-date policy manual shall be maintained on the District’s website with a hard copy, in the Superintendent’s Office *[and {if applicable} in each school building]* The Superintendent shall also assure that any hard copies of the District’s policy manual are recalled annually and updated as appropriate.

**Legal References:**

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**POLICY ADOPTION**

Except for policy actions to be taken on emergency measures, the adoption of Board policies should follow this sequence which will take place at least at two regular or special meetings of the Board:

1. Announcement and publication of proposed new or revised policies as an item of information.
2. Opportunity offered to concerned groups or individuals to react to policy proposals.
3. Discussion and final action by the Board on policy proposals.

The final vote to adopt or not to adopt should be followed by at least two weeks from the meeting at which policy proposals are first placed on the agenda.

1. Prior to enactment, all policy proposals shall be titled and coded as appropriate to subject and in conformance with the codification system used in the Board policy manual.
2. Insofar as possible, each policy statement shall be limited to one subject.
3. Policies and amendments adopted by the Board shall be attached to and made a part of the minutes of the meeting at which they are adopted and shall also be included in the policy manual of the District marked with the date of adoption and/or amendment.
4. Policies and amendments to policies shall be effective immediately upon adoption unless a specific effective date is provided in the adopted resolution.

**Emergency Procedure**

On matters of unusual urgency, the Board may waive the two-week limitation and take immediate action to adopt new or revise existing policies. When such immediate action is necessary, the Superintendent shall inform concerned groups or individuals about the reasons for this necessity.

**Legal References:**

***RSA 189:74***

***School Board Public Comment Period***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**POLICY REVIEW AND EVALUATION/MANUAL ACCURACY CHECK**

In an effort to keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decision, the Board will review its policies on a continuing basis.

The Board will evaluate how the policies have been executed by the school staff and weigh the results. It will rely on the school staff, students, and the community for providing evidence of the effect of the policies which it has adopted.

The Superintendent is given the continuing responsibility of calling to the Board's attention all policies that are out of date or appear to need revision for other reasons.

The Board directs the Superintendent to recall all policy and regulations manuals annually for purposes of administrative updating and Board review.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**BOARD REVIEW OF ADMINISTRATIVE REGULATIONS**

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

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**POLICY DISSEMINATION**

The policy manual is a public document. The Superintendent is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board and the administrative rules and regulations needed to put them into effect.

Accessibility is to extend at least to all employees of the school system, to members of the Board, and to persons in the community insofar as conveniently possible. Manuals will be available for inspection at the Superintendent's office, and each Principal's office.

All policy manuals shall remain the property of the School Board and shall be considered as "on loan" to anyone, or any organization, in whose possession they might be at any time. They are subject to recall at any time deemed necessary by the administrative head of the School District.

The Superintendent is responsible for ensuring an annual update of all manuals.

**Legal References:**

***RSA 91-A:4***

***Minutes and Records Available for Public Inspection***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**SUSPENSION OF POLICIES**

The policies of the Board are subject to suspension only upon a majority vote of the entire Board membership at a meeting for which the proposed suspension has been described in writing, or upon a unanimous vote of the entire Board membership when no such written notice has been given.

Those Board policies which pertain to the internal operations of the Board are subject to suspension only upon a two-thirds vote of all members of the Board at a meeting for which the proposed suspension has been described in writing, or upon a unanimous vote of the entire Board membership when no such written notice has been given.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**BOARD-EMPLOYEE COMMUNICATIONS**

The Board desires to maintain open channels of communication between itself and the employees. The basic line of communication will, however, be through the Superintendent of Schools.

**Staff Communications to the Board**

All communications or reports to the Board or any Board committee from principals, supervisors, teachers, or other employee members shall be submitted through the Superintendent.

**Board Communications to Staff**

All official communications, policies, and directives of employee interest and concern will be communicated to employee members through the Superintendent, and the Superintendent will employ all such media as are appropriate to keep employee fully informed of the Board's actions and concerns.

**Visits to Schools**

Individual Board members interested in visiting schools or classrooms will inform the Superintendent of such visits and make arrangements for visitations through the principals of the various schools. Such visits shall be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Board members will be carried on only under Board authorization and with the full knowledge of the Superintendent and principals.

**Social Interaction**

Staff and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations and general District problems. However, employees are reminded that individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action. Therefore, discussions of personalities or personnel grievances by either party will be considered unethical conduct.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**SCHOOL BOARD USE OF EMAIL AND  
OTHER ELECTRONIC COMMUNICATION**

A. General.

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

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

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

Board members shall avoid reference to confidential information about staff, students or other individuals. Intentional disclosure of such information may subject a board member to individual liability and may constitute a violation of the oath of office. B. Applicability of New Hampshire’s Right to Know Law.

1. Meetings. With very limited exceptions, New Hampshire’s “Right to Know” law, RSA 91-A, requires that public bodies (e.g., the school board, and any of its sub- or advisory committees) conduct deliberations and decision-making during duly noticed meetings that the public may attend. Under RSA 91-A:2, I, a “meeting” occurs when a quorum of a public body discusses (in any manner that allows for contemporaneous communication) a matter over which that public body has supervision, control, jurisdiction, or advisory power. Thus, any electronic communication discussing district or school business that circulates among a majority of a quorum of the board could constitute a meeting and a violation of the Right to Know law.

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

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

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

**Legal References:*****RSA 189:20-a******RSA 91-A:1-a******RSA 91-A:2******RSA 91-A:2-1******RSA 91-A:5******Records Retention and Disposition******Definitions******Meetings Open to Public******Communications Outside Meetings******Exemptions*****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

**NEW BOARD MEMBER ORIENTATION**

A new member is to be afforded the Board and the staff's fullest measures of courtesy and cooperation. Board and staff shall make every feasible effort to assist the new member to become fully informed about the Board's functions, policies, and procedures.

A special workshop will be convened for the primary purpose of orienting the new member to his or her responsibilities, to the Board's method of operating, and to Districts policies and procedures.

Each new member will be provided with those materials:

1. The previous year's complete record of minutes.
2. A copy of Revised Statutes Annotated Relating to Public Schools. (RSA)
3. A copy of Becoming A Better Board Member.
4. The School Board Policy Manual.
5. The NH School Boards Association Orientation Packet.
6. The current school budget.
7. Negotiated Labor Agreements

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**BOARD MEMBER DEVELOPMENT OPPORTUNITIES**

The Board places a high priority on the importance of a planned and continuing program of in-service education for its members. The central purpose of the program is to enhance the quality and effectiveness of public school governance in our community. The Board shall attempt to plan specific in-service activities designed to assist Board members in their efforts to improve their skills as members of a policy-making body; to expand their knowledge about trends, issues, and new ideas affecting the continued welfare of our local schools; and to deepen their insights into the nature of leadership in a modern democratic society.

Funds shall be budgeted annually to support the program. The public shall be kept informed through the news media about the Board's continuing in-service education and about the programs anticipated for short and long-range benefits to our schools.

The Board regards the following as examples of activities and services appropriate for implementing this policy:

1. Participation in School Board Association conferences, workshops, and conventions.
2. District-sponsored training sessions for Board members.
3. Subscriptions to publications addressed to the concerns of Board members.

In order to control both the investment of time and funds necessary to implement this policy, the board establishes these principles and procedures;

1. A calendar of school board conferences, conventions, and workshops shall be maintained by the superintendent. The board will periodically decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the school district.
2. Funds for participation at such meetings will be budgeted on an annual basis. When funds are limited, the board will designate which of its members would be the most appropriate to participate at a given meeting.
3. Board members shall be reimbursed their expenses in attending approved development opportunities.
4. When a conference, convention, or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations, and materials acquired at the meeting.

School board members are encouraged to attend workshops presented by the state and national school boards associations.

**Legal References:**

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

**ADMINISTRATION GOALS**

Proper administration of the schools is vital to a successful educational program. The general purpose of the Administration is to coordinate and supervise, under the policies of the School Administrative Unit and each Board, the creation and operation of an environment that promotes effective student learning. The Board will rely on the Superintendent to provide the professional administrative leadership necessary.

The Superintendent, each principal, and all other administrators will have the authority and responsibility necessary for his/her specific administrative assignment. Each administrator will be accountable for the effectiveness with which his/her administrative assignment is carried out. The Board will be responsible for specifying requirements and expectations of the Superintendent, then holding the Superintendent accountable by evaluating how well those requirements and expectations have been met. In turn, the Superintendent will be responsible for clearly specifying requirements and expectations for all other administrators, then for holding each accountable by evaluating how well requirements and expectations have been met.

Major goals of administration are:

1. To manage the District's various departments, units, budgets and programs effectively.
2. To provide professional advice and counsel to the Board and its advisory committees. Where feasible, this will be done through reviewing alternatives, analyzing the advantages and disadvantages of each, and recommending appropriate action from among the alternatives.
3. To implement and manage functions that assure the best and most effective learning programs, through achieving such goals as: (a) providing leadership in keeping abreast of current educational developments; (b) arranging for the staff development necessary in order to establish and provide learning programs that better meet learner needs; (c) coordinating cooperative efforts to improve learning programs, facilities, equipment, and materials; (d) encouraging improvement ideas and decision-making among staff, students, parents, and others; and (e) implementing procedures to ensure that the differing needs and talents of students are fully considered when planning educational programs.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**SCHOOL SUPERINTENDENT**

The duties of the Superintendent are defined in his/her contract of employment, individual board policies, SAU policies, state statutes, and New Hampshire Department of Education Rules.

The Board expects that the Superintendent, as the chief executive officer, is responsible for:

1. The execution of board policies
2. The management of the work of all school departments, the duties of which, apart from those required by law, the Superintendent shall assign
3. The observance of all board policies by all those persons employed by the district
4. The enforcement of all provisions of the law relating to the operation of the schools or other educational, social and recreational agencies, or activities under the charge of the board.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**SUPERINTENDENT EVALUATION AND GOAL SETTING**

The Board will annually evaluate the Superintendent based on written criteria as established by the Board. Co-extensive with the Superintendent evaluation, the Board and Superintendent will jointly establish annual goals and objectives. The Board believes that establishing annual goals and objectives will serve as a benchmark and criteria for the Superintendent's annual evaluation.

The Superintendent is responsible for the services described in applicable statute and Department of Education rules. In addition to and related to those responsibilities, the following areas are representative of those in which objectives may be set and progress appraised:

1. Fiscal management
2. Curriculum
3. Pupil achievement and assessment
4. Delivery of instruction
5. Relationship with the school board
6. Administration of educational services
7. Administration of school facilities
8. Governance of pupils
9. Hiring and supervision of school district staff
10. Overall leadership on educational issues

The board may choose not to annually evaluate and review every area listed above.

The Board desires that the annual Superintendent evaluation and goal setting will clarify the Superintendent's role within the school community, address areas for the Superintendent to improve, and address areas for which the Superintendent should be commended.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**SCHOOL SUPERINTENDENT****PART Ed 302 DUTIES OF SCHOOL SUPERINTENDENTS****Ed 302.01 Executive Officer .**

- A. The superintendent shall:
  - 1. Serve as the executive officer of the local school district or districts within the school administrative unit ( SAU );
  - 2. Be responsible for the overall administrative and leadership services of the SAU; and
  - 3. Perform the duties specified in the section.
- B. The superintendent shall be responsible for planning and managing the administrative and leadership services of the local school district or districts within the school administrative unit subject to statutory requirements, these rules, and the policies of the local districts.
- C. The administrative and leadership services shall be defined and directed by the governing body employing the superintendent. Such local district services shall include but are not limited to the following areas:
  - 1. Personnel;
  - 2. Finance;
  - 3. Communication/community relations;
  - 4. Student service;
  - 5. Maintenance/capital improvement;
  - 6. Curriculum;
  - 7. Instruction;
  - 8. Assessment;
  - 9. Short and long range planning;
  - 10. Governance for student achievement;
  - 11. Policy research;
  - 12. Implementation, and review; and
  - 13. Overall leadership on educational issues.
- D. The superintendent shall develop and maintain a system of public schools, staffed by certified educators, qualified professionals, and persons providing support services, subject to statutory requirements, these rules, and the policies of the local districts (s).

- E. The superintendent shall provide, develop and implement procedures to achieve educational objectives within the local school district or districts with the school administrative unit.
- F. The superintendent shall be directly responsible to the local school district or districts within the school administrative unit board.
- G. The superintendent may nominate for school administrative unit board appointment one or more assistants, including assistant superintendents, and business administrators. The superintendent may assign duties for the efficient management of the school administrative unit.

Ed 302.02 Substantive Duties. The superintendent shall in addition to those duties outlined in Ed 302.01:

- A. Nominate all certified staff and appoint other employees in accordance with state law, the rules of the state board and school board policies;
- B. Direct and supervise the work of all employees of the district or districts within the school administrative unit and shall have all powers necessary to make such direction effective, as outlined in RSA 194-C:4. While the superintendent has ultimate responsibility, he/she may delegate powers and duties to other personnel.
- C. Be responsible for the selection and purchase of textbooks and all other supplemental materials and supplies in accordance with the policies of the school board and the state board and see that the same are distributed to the school, accurately accounted for and economically used;
- D. Be responsible for developing and recommending to the school board or boards within the school administrative unit the annual budget for the support of the educational program and for the operation and maintenance of schools within the district or districts and the school administrative unit in accordance with school board policy;
- E. Be responsible for developing and maintaining an accounting system and financial reporting procedures for all funds in accordance with local school board policy, and local and state laws;
- F. Be responsible for the development of an educational plan including curriculum, instruction, and assessment programs for the district or districts and for recommending a program of studies suitable to the needs of the pupils and the community in accordance with local school board policies, state statutes and state board rules;
- G. Remove a teacher or other employee of the district in accordance with RSA 189:31;
- H. Recommend the dismissal of certified staff to the board, which has the authority to dismiss in accordance with RSA 189:13;

- I. Provide for temporary staff to fill vacancies and provide supplies immediately needed for the operation of the schools;
- J. Be responsible for maintaining records and filing reports as required by the state board of education and the local school boards;
- K. Admit pupils to the resident school district in accordance with the laws of the state and the rules of the state board and policies of the local board;
- L. Direct pupils to assigned classes and grades, consistent with local school board policies;
- M. Maintain a safe environment for pupils free of hazardous conditions;
- N. Be responsible for the evaluation of personnel and programs in accordance with local school board policies;
- O. Be responsible for implementation of state board rules, which apply in the area of the superintendent's jurisdiction;
- P. Be responsible for developing and recommending to the school board or boards within the school administrative unit an annual maintenance program and long-term capital improvement plan;
- Q. Be responsible for the implementation and recommendation to the school boards or boards within the school administrative unit a community relations and communications program; and
- R. Be responsible for the implementation and review of school district policies.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**POLICY IMPLEMENTATION**

The administration of the District shall be delegated to the Superintendent who shall carry out his/her administrative functions in accordance with the policies adopted by the Board. The execution of all decisions made by the Board concerning the internal operation of the School system shall be delegated to the Superintendent.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**SCHOOL DISTRICT ANNUAL REPORT**

An annual report covering the diversified activities of the District and the administration's recommendations for its improvement shall be prepared by the Superintendent and presented to the Board as soon as possible after the close of each school year. Upon Board approval, the report shall be made available to the public and used as one means for informing parents and citizens, the State Board of Education, and other school districts in the area of the programs and conditions of the Schools.

**Legal References:**

<i>RSA 193-E:3.1 (a) (b)</i>	<i>Delivery of an Adequate Education</i>
<i>RSA 193-H:4</i>	<i>School Performance and Accountability</i>
<i>RSA 194:31</i>	<i>Register: Reports</i>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**FISCAL MANAGEMENT PLAN**

The Board recognizes the importance of excellent fiscal management in managing public resources to achieve the goals of the educational plan of the district. The board will be vigilant in fulfilling its responsibilities to see that these funds are used wisely to achieve the purpose for which they are allocated.

The district fiscal management plan seeks to achieve the following goals:

1. Engage in thorough advance planning to develop budgets and guide expenditures to achieve the greatest educational returns and the greatest contributions to the educational program.
2. Establish levels of funding which will provide high quality education for the students of the district.
3. Use the best available techniques and processes for budget development and management.
4. Provide timely and appropriate information to the Board and all staff with fiscal management responsibilities.
5. Establish and implement efficient procedures for accounting, audit, risk management, investing, purchasing delivery, payroll, payment of vendors and contractors, and all other areas of fiscal management.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**ADMINISTRATION OF FEDERAL GRANT FUNDS**

This Policy includes “sub-policies” relating to specific provisions of the Uniform Administrative Requirements for Federal Awards issued by the U.S. Office of Budget and Management. Those requirements, which are commonly known as Uniform Grant Guidance (“UGG”), are found in Title 2 of the Code of Federal Regulations (“CFR”) part 200. The sub-policies include:

<b>DAF-</b>	
<b>ALLOWABILITY.....</b>	<b>2</b>
<b>DAF-2</b>	
<b>CASH MANAGEMENT AND FUND CONTROL.....</b>	<b>7</b>
<b>DAF-3</b>	
<b>PROCUREMENT.....</b>	<b>9</b>
<b>DAF-4</b>	
<b>PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM.....</b>	<b>18</b>
<b>DAF-5</b>	
<b>CONFLICT OF INTEREST AND MANDATORY DISCLOSURES.....</b>	<b>20</b>
<b>DAF-6</b>	
<b>INVENTORY MANAGEMENT - EQUIPMENT AND SUPPLIES PURCHASED WITH FEDERAL FUNDS.....</b>	<b>21</b>
<b>DAF-7</b>	
<b>TRAVEL REIMBURSEMENT – FEDERAL FUNDS.....</b>	<b>22</b>
<b>DAF-8</b>	
<b>ACCOUNTABILITY AND CERTIFICATIONS.....</b>	<b>23</b>
<b>DAF-9</b>	
<b>TIME AND EFFORT REPORTING / OVERSIGHT.....</b>	<b>23</b>
<b>DAF-10</b>	
<b>GRANT BUDGET RECONCILIATION.....</b>	<b>24</b>
<b>DAF-11</b>	
<b>SUB-RECIPIENT MONITORING AND MANAGEMENT.....</b>	<b>25</b>

**NOTICE:** Notwithstanding any other policy of the District, all funds awarded directly or indirectly through any Federal grant or subsidy programs shall be administered in accordance with this Policy, and any administrative procedures adopted implementing this Policy.

The Board accepts federal funds, which are available, provided that there is a specific need for them and that the required matching funds are available. The Board intends to administer federal grant awards efficiently, effectively and in compliance with all requirements imposed by law, the awarding agency and the New Hampshire Department of Education (NHDOE) or other applicable pass-through entity.

This policy establishes the minimum standards regarding internal controls and grant management to be used by the District in the administration of any funds received by the District through Federal grant programs as required by applicable NH and Federal laws or regulations, including, without limitation, the UGG.

The Board directs the Superintendent and/or designees to develop, monitor, and enforce effective administrative procedures and other internal controls over federal awards as necessary in order to provide reasonable assurances that the District is managing the awards in compliance with all requirements for federal grants and awards. Systems and controls must meet all requirements of federal and/or state law and regulation and shall be based on best practices.

The Superintendent is directed to assure that all individuals responsible for the administration of a federal grant or award shall be provided sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant or award and this policy.

To the extent not covered by this Policy, the administrative procedures and internal controls must provide for:

1. identification of all federal funds received and expended and their program source;
2. accurate, current, and complete disclosure of financial data in accordance with federal requirements;
3. records sufficient to track the receipt and use of funds;
4. effective control and accountability over assets to assure they are used only for authorized purposes and
5. comparison of expenditures against budget.

#### **DAF-1     ALLOWABILITY**

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

- A. **Cost Principles:** Except whether otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

1. Be “necessary” and “reasonable” for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

- a. To determine whether a cost is “reasonable”, consideration shall be given to:
    - i. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
    - ii. the restraints or requirements imposed by such factors as sound business practices, arm’s length bargaining, Federal, State, local, tribal and other laws and regulations;
    - iii. market prices for comparable goods or services for the geographic area;
    - iv. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities; and
    - v. whether the cost represents any significant deviation from the established practices or Board policy which may increase the expense. While Federal regulations do not provide specific descriptions of what satisfied the “necessary” element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need and can prove it.
  - b. When determining whether a cost is “necessary”, consideration may be given to whether:
    - i. the cost is needed for the proper and efficient performance of the grant program;
    - ii. the cost is identified in the approved budget or application;
    - iii. there is an educational benefit associated with the cost;
    - iv. the cost aligns with identified needs based on results and findings from a needs assessment; and/or
    - v. the cost addresses program goals and objectives and is based on program data.
  - c. A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.
2. Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the Federal award.

3. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
4. Be afforded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
5. Be determined in accordance with generally accepted accounting principles.
6. Be representative of actual cost, net of all applicable credits or offsets.

The term “applicable credits” refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to/or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

7. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
8. Be adequately documented:
  - a. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant funded programs to assure that only permissible personnel expenses are allocated;
  - b. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

B. **Selected Items of Cost:** The District shall follow the rules for selected items of cost at 2 CFR Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow

those rules as well.

- C. **Cost Compliance:** The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant.

D. **Determining Whether A Cost is Direct or Indirect**

1. “Direct costs” are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; and infrastructure costs directly attributable to the program (such as long distance telephone calls specific to the program, etc.).

2. “Indirect costs” are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated

as indirect costs. Direct charging of these costs may be appropriate only if **all** the following conditions are met:

- a. Administrative or clerical services are integral to a project or activity.
- b. Individuals involved can be specifically identified with the project or activity.
- c. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
- d. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by NHDOE or the pass-through entity (Federal funds subject to 2 C.F.R Part 200 pertaining to determining indirect cost allocation).

- E. **Timely Obligation of Funds**: Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period.

The following are examples of when funds are determined to be “obligated” under applicable regulation of the U.S. Department of Education:

When the obligation is for:

1. Acquisition of property – on the date which the District makes a binding written commitment to acquire the property.
2. Personal services by an employee of the District – when the services are performed.
3. Personal services by a contractor who is not an employee of the District – on the date which the District makes a binding written commitment to



obtain the services.

4. Public utility services – when the District received the services.
5. Travel – when the travel is taken.
6. Rental of property – when the District uses the property.
7. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 CFR Part 200, Subpart E – Cost Principles – on the first day of the project period.

F. **Period of Performance:** All obligations must occur on or between the beginning and ending dates of the grant project. This period of time is known as the period of performance. The period of performance is dictated by statute and will be indicated in the Grant Award Notification (“GAN”). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period of carry over. For direct grants, the period of performance is generally identified in the GAN.

Pre-award costs are those incurred prior to the effective date of the Federal award or subaward directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and only with the written approval of the *initial* Federal awarding agency or of the NHDOE or other pass-through entity.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all obligations incurred under the award not later than forty-five (45) days after the end of the funding period unless an extension is authorized. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consistently, the District shall closely monitor grant spending throughout the grant cycle.

## **DAF-2    CASH MANAGEMENT AND FUND CONTROL**

Payment methods must be established in writing that minimize the time elapsed between the drawdown of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance

payments and in accordance with the requirements of NHDOE or other applicable pass-through-entity.

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The District's payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury or the NHDOE (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the NHDOE, grantor agency or other pass-through entity to request payment. The District shall request grant fund payments in accordance with the provisions of the grant. Additionally, the District's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent and/or designee is authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested will be as close as is administratively feasible to the actual disbursement for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District shall make timely payment to contractors in accordance with contract provisions.
- C. To the extent available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.
- D. The District shall account for the receipt, obligation and expenditure of funds.
- E. Advance payments shall be deposited and maintained in insured accounts whenever possible.
- F. Advance payments will be maintained in interest bearing accounts unless the following apply:

1. The District receives less than \$120,000 in Federal awards per year.
  2. The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.
  3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
  4. A foreign government or banking system prohibits or precludes interest bearing accounts.
- G. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds.

**DAF-3     PROCUREMENT**

All purchases for property and services made using federal funds must be conducted in accordance with all applicable Federal, State and local laws and regulations, the Uniform Guidance, and the District's written policies and procedures.

Procurement of all supplies, materials equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, District policies, and procedures.

The Superintendent shall maintain a procurement and contract administration system in accordance with the USDOE requirements (2 CFR 200.317-327) for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall also conform to the provisions of the District's documented general purchase Policy DJ.

The District avoids situations that unnecessarily restrict competition and avoids acquisition of unnecessary or duplicative items. Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids,

requests for proposals, or invitations to negotiate, are excluded from competing for such purchases. Additionally, consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis shall be made to lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

Contracts are awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration is given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract is awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities.

Purchasing records are sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and verification that the contractor is not suspended or debarred.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

- A. **Competition**: All procurement transactions shall be conducted in a manner that encourages full and open competition and that is in accordance with good administrative practice and sound business judgement. In order to promote objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Some of the situations considered to be restrictive of competition include, but are not limited to, the following:

1. unreasonable requirements on firms in order for them to qualify to do business;
2. any arbitrary action in the procurement process.
3. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement; and/or
4. organizational conflicts of interest;
5. noncompetitive contracts to consultants that are on retainer contracts;
6. unnecessary experience and excessive bonding requirements.

Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or

proposals, unless (1) an applicable Federal statute expressly mandates or encourages a geographic preference; (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms or products to acquire goods and services, the pre-qualified list must include enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list as requested.

- B. **Solicitation Language:** The District shall require that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

- C. **Procurement Methods:** The District shall utilize the following methods of procurement:

1. **Micro-purchases**

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed **\$10,000**<sup>1</sup>. To the extent practicable, the District shall distribute micro-purchase equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable. The District maintains evidence of this reasonableness in the records of all purchases made by this method.

**2. Small Purchases (Simplified Acquisition)**

Small purchase procedures provide for relatively simple and informal procurement methods for securing services, supplies, and other property which is acquired above the *aggregate dollar* micro-purchase threshold and not exceeding the competitive bid threshold of \$250,000. Small purchase procedures require that price or rate quotations shall be obtained from an adequate number of qualified sources.

**3. Sealed Bids**

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to \$250,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed \$250,000.

a. In order for sealed bidding to be feasible, the following conditions shall be present:

- i. a complete, adequate, and realistic specification or purchase description is available;
- ii. two (2) or more responsible bidders are willing and able to compete effectively for the business; and
- iii. the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

b. When sealed bids are used, the following requirements apply:

- i. Bids shall be solicited in accordance with the provisions of State law and DJE. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
- ii. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
- iii. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- iv. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may

- only be used to determine the low bid when prior experience indicates that such discounts are usually taken.
- v. The Board reserves the right to reject any and all bids for sound documented reason.
  - vi. Bid protests shall be handled pursuant to the process set forth in DAF-3.I.

#### 4. Competitive Proposals

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

- a. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from an adequate number of sources.
- c. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
- d. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors consider

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

#### 5. Noncompetitive Proposals

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- a. the item is available only for a single source;
- b. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; and/or
- d. after solicitation of a number of sources, competition is determined to be inadequate.

D. **Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms:** The District must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime [contractor](#), if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

E. **Contract/Price Analysis:** The District shall perform a cost or price analysis in connection with every procurement action in excess of \$250,000 (i.e., the Simplified Acquisition/Small Purchase limit), including contract modifications. (See 2 CFR 200.324). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.



The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

- F. **Time and Materials Contracts:** The District shall use a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiently. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls, and otherwise performs in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

- G. **Suspension and Debarment:** The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR Part 180.

Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (See 2 CFR Part

180 Subpart G).

Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 CFR chapter 1). A person so excluded is debarred. (See 2 CFR Part 180 Subpart H).

The District shall not subcontract with or award sub-grants to any person or company who is debarred or suspended. For contracts over \$25,000 the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management ("SAM"), which maintains a list of such debarred or suspended vendors at [www.sam.gov](http://www.sam.gov) (which replaced the former Excluded Parties List System or EPLS); or collecting a certification from the vendor. (See 2 CFR Part 180 Sub part C).

Documentation that debarment/suspension was queried must be retained for each covered transaction as part of the documentation required under DAF-3, paragraph J. This documentation should include the date(s) queried and copy(ies) of the SAM result report/screen shot, or a copy of the or certification from the vendor. It should be attached to the payment backup and retained for future audit review.

**H. Additional Requirements for Procurement Contracts Using Federal Funds:**

1. Clause for Remedies Arising from Breach: For any contract using Federal funds under which the contract amount exceeds the upper limit for Simplified Acquisition/Small Purchases (see DAF-3.C.2), the contract must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and must provide for sanctions and penalties. (See 2 CFR 200, Appendix II(A)).
2. Termination clause: For any contract using Federal funds under which the contract amount exceeds \$10,000, it must address the District's authority to terminate the contract for cause and for convenience, including the manner by which termination will be effected and the basis for settlement. (See 2 CFR 200, Appendix II (B)).
3. Anti-pollution clause: For any contract using Federal funds under which the contract amount exceeds \$150,000, the contract must include clauses addressing the Clean Air Act and the Federal Water Pollution Control Act. (See 2 CFR 200, Appendix II (G)).
4. Anti-lobbying clause: For any contract using Federal funds under which the contract exceeds \$100,000, the contract must include an anti-lobbying clause, and require bidders to submit Anti-Lobbying Certification as

required under 2 CFR 200, Appendix II (I).

5. Negotiation of profit: For each contract using Federal funds and for which there is no price competition, and for each Federal fund contract in which a cost analysis is performed, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performance, and industry profit rates in the surrounding geographical area for similar work. (See 2 CFR 200.324(b)).
  6. "Domestic Preference" Requirement: The District must provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, to the greatest extent practicable. This requirement applies whether the District is purchasing the products directly or when the products are purchased by third parties on the District's behalf (e.g. subcontractor, food service management companies, etc.). It also generally applies to all purchases, even those below the micro-purchase threshold, unless otherwise stipulated by the Federal awarding agency. See also additional "Buy American" provisions in DAF-4.C regarding food service procurement.
  7. Huawei Ban: The District may not use Federal funds to procure, obtain, or enter into or renew a contract to procure or obtain equipment, services, or systems which substantially use telecommunications equipment or services produced by Huawei Technologies Company or ZTE Corporation, or any of their subsidiaries.
- I. Bid Protest: The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest

within the time prescribed, shall constitute a waiver of proceedings.

- J. **Maintenance of Procurement Records:** The District shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and records regarding debarment/suspension queries or actions. Such records shall be retained consistent with District Policy EHB and District Administrative Procedures EHB-R.

**DAF-4 PROCUREMENT – ADDITIONAL PROVISIONS PERTINENT TO FOOD SERVICE PROGRAM**

The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts: (7 CFR Sec. 210.21, 215.14a, 220.16)

- A. **Mandatory Contract Clauses:** The following provisions shall be included in all cost reimbursable contracts for food services purchases, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:
1. Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;
  2. The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or
  3. The contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification;
  4. The contractor's determination of its allowable costs must be made in compliance with the applicable departmental and program regulations and Office of Management and Budget cost circulars;

5. The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. If approved by the state agency, the school food authority may permit the contractor to report this information on a less frequent basis than monthly, but no less frequently than annually;
6. The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract; and
7. The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the state agency, or the department.

B. **Contracts with Food Service Management Companies:** Procedures for selecting and contracting with a food service management company shall comply with guidance provided by the NHDOE, including standard forms, procedures and timelines for solicitation, selection and approval of proposals and contracts.

C. **“Buy American” Requirement:** NOTE - See DAF-3.H.6 regarding “domestic preference” requirements for procurements other than for food service.

Under the “Buy American” provision of the National School Lunch Act (the “NSLA”), school food authorities (SFAs) are required to purchase, to the maximum extent practicable, *domestic commodity or product*. As an SFA, the District is required to comply with the “Buy American” procurement standards set forth in 7 CFR Part 210.21(d) when purchasing commercial food products served in the school meals programs. This requirement applies whether the District is purchasing the products directly or when the products are purchased by third parties on the District’s behalf (e.g., food service management companies, group purchasing cooperatives, shared purchasing, etc.).

Under the NSLA, “*domestic commodity or product*” is defined as an agricultural commodity or product that is produced or processed in the United States using “*substantial*” agricultural commodities that are produced in the United States. For purposes of the act, “*substantial*” means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. Products from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowable under this provision as territories of the United States.

1. Exceptions: The two main exceptions to the Buy American requirements are:
  - a. The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
  - b. Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product.
2. Steps to Comply with Buy American Requirements: In order to help assure that the District remains in compliance with the Buy American requirement, the Superintendent and/or Designee shall
  - a. Include a Buy American clause in all procurement documents (product specifications, bid solicitations, requests for proposals, purchase orders, etc.);
  - b. Monitor contractor performance;
  - c. Require suppliers to certify the origin of the product;
  - d. Examine product packaging for identification of the country of origin; and
  - e. Require suppliers to provide specific information about the percentage of U.S. content in food products from time to time.

**DAF-5     CONFLICT OF INTEREST AND MANDATORY DISCLOSURES**

The District complies with the requirements of State law and the Uniform Guidance for conflicts of interest and mandatory disclosures for all procurements with federal funds.

Each employee, board member, or agent of the school system who is engaged in the selection, award or administration of a contract supported by a federal grant or award and who has a potential conflict of interest must disclose that conflict in writing to the Superintendent and/or designee who, in turn, shall disclose in writing any such potential conflict of interest to NHDOE or other applicable pass-through-entity.

A conflict of interest would arise when the covered individual, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of those parties has a financial or other interest in or received a tangible personal benefit from a firm considered for a contract. A covered individual who is required to disclose a conflict shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.

Covered individuals will not solicit or accept any gratuities, favors, or items from a contractor or a party to a subcontractor for a federal grant or award. Violations of this rule are subject to disciplinary action.

The Superintendent shall timely disclose in writing to NHDOE or other applicable pass-through-entity, all violations of federal criminal law involving fraud, bribery, or gratuities potentially effecting any federal award. The Superintendent shall fully address any such violations promptly and notify the Board with such information as is appropriate under the circumstances (e.g., taking into account applicable disciplinary processes).

#### **DAF-6 INVENTORY MANAGEMENT - EQUIPMENT AND SUPPLIES PURCHASED WITH FEDERAL FUNDS**

Equipment and supplies acquired (“property” as used in this policy DAF-6) with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements. Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds. In furtherance thereof, the following minimum standards and controls shall apply to any equipment or pilferable items acquired in whole or in part under a Federal award until such property is disposed in accordance with applicable laws, regulations and Board policies:

- A. **“Equipment” and “Pilferable Items” Defined:** For purposes of this policy, “equipment” means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of \$5,000, or the capitalization level established by the District for financial statement purposes. “Pilferable items” are those items, *regardless of cost*, which may be easily lost or stolen, such as cell phones, tablets, graphing calculators, software, projectors, cameras and other video equipment, computer equipment and televisions.
- B. **Records:** The Superintendent and/or Designee shall maintain records that include a description of the property; a serial number or other identification number; the source of the funding for the property (including the federal award identification number (FAIN)); who holds title; the acquisition date; the cost of the property; the percentage of the federal participation in the project costs for the federal award under which the property was acquired; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposition and sale price of the property.
- C. **Inventory:** No less than once every two years, the Superintendent and/or designee shall cause a physical inventory of all equipment and pilferable items to be taken and the results reconciled with the property records. Except as otherwise provided in this policy DAF-6, inventories shall be conducted consistent with Board Policy DID.

D. **Control, Maintenance and Disposition**: The Superintendent shall develop administrative procedures relative to property procured in whole or in part with Federal funds to:

1. prevent loss, damage, or theft of the property; any loss, damage, or theft must be investigated;
2. to maintain the property and keep it in good condition; and
3. to ensure the highest possible return through proper sales procedures, in those instances where the District is authorized to sell the property.

**DAF-7     TRAVEL REIMBURSEMENT – FEDERAL FUNDS**

The Board shall reimburse administrative, professional and support employees, and school officials, for travel costs incurred in the course of performing services related to official business as a federal grant recipient.

For purposes of this policy, “travel costs” shall mean the expenses for transportation, lodging, subsistence, and related items incurred by employees and school officials who are in travel status on official business as a federal grant recipient.

School officials and district employees shall comply with applicable Board policies and administrative regulations established for reimbursement of travel and other expenses.

The validity of payments for travel costs for all district employees and school officials shall be determined by the Superintendent and/or designee.

Travel costs shall be reimbursed on a mileage basis for travel using an employee’s personal vehicle and on an actual cost basis for meals, lodging and other allowable expenses, consistent with those normally allowed in like circumstances in the district’s non-federally funded activities, and in accordance with the district’s travel reimbursement policies and administrative regulations.

Mileage reimbursements shall be at the rate approved by the Board or Board policy for other district travel reimbursements. Actual costs for meals, lodging and other allowable expenses shall be reimbursed only to the extent they are reasonable and do not exceed the per diem limits established by Board policy, or, in the absence of such policy, the federal General Services Administration for federal employees for locale where incurred.

All travel costs must be presented with an itemized, verified statement prior to reimbursement.

In addition, for any costs that are charged directly to the federal award, the Superintendent and/or designee shall maintain sufficient records to justify that:



- A. Participation of the individual is necessary to the federal award.
- B. The costs are reasonable and consistent with Board policy.
- C.

**DAF-8     ACCOUNTABILITY AND CERTIFICATIONS**

All fiscal transactions must be approved by the Superintendent and/or designee who can attest that the expenditure is allowable and approved under the federal program. The Superintendent and/or designee submits all required certifications.

**DAF-9     TIME-EFFORT REPORTING / OVERSIGHT**

The Superintendent will establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved. The District will submit all reports as required by federal or state authorities.

As a recipient of Federal funds, the District shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify the compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

- A. **Compensation:** Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 CFR 200.431 Compensation – fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:
  - 1. is reasonable for the services rendered, conforms to the District's established written policy, and is consistently applied to both Federal and non-Federal activities; and
  - 2. follows an appointment made in accordance with the District's written policies and meets the requirements of Federal statute, where applicable.
- B. **Time and Effort Reports:** Time and effort reports shall:
  - 1. be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;

2. be incorporated into the official records of the District;
3. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;
4. encompass both Federally assisted and other activities compensated by the District on an integrated basis;
5. comply with the District's established accounting policies and practices;
6. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by NHDOE or other pass-through entity as appropriate to the extent that they are more restrictive than the Federal requirements. The Superintendent and/or designee is responsible for the collection and retention of employee time and effort reports. Individually reported data will be made available only to authorized auditors or as required by law.

#### **DAF-10    GRANT BUDGET RECONCILIATION AND GRANT CLOSEOUT**

- A. **Budget Reconciliation:** Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.

The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

- B. **Grant Closeout Requirements:** At the end of the period of performance or when the Federal awarding agency determines the District has completed all applicable administrative actions and all required work under the grant, the agency will close out the Federal award. If the award passed-through the State, the District will have 90 days from the end of the period of performance to submit to the State all financial, performance, and other reports as required by the terms and conditions of the award.

Failure to submit all required reports within the required timeframe will necessarily result in the Federal awarding agency reporting the District's material

failure to comply with the terms of the grant to the Office of Management and Budget (OMB), and may pursue other enforcement actions.

The District must maintain all financial records and other documents pertinent to the grant for a period of three years from the date of submission of the final expenditure report, barring other circumstances detailed in 2 CFR 200.344.

#### **DAF-11      SUB-RECIPIENT MONITORING AND MANAGEMENT**

When entering agreements involving the expenditure or disbursements of federal grant funds, the District shall determine whether the recipient of such federal funds is a “contractor” or “subrecipient”, as those terms are defined in 2 CFR §200.23 and §200.93, respectively. See also guidance at 2 CFR §200.330 “Subrecipient and contractor determinations”. Generally, “subrecipients” are instrumental in implementing the applicable work program whereas a “contractor” provides goods and services for the District’s own use. Contractors will be subject to the District’s procurement and purchasing policies (e.g., DAF-3 relative to federal grant funds, DJE relative to bidding requirements for non-federal money projects, etc.). Subrecipients are subject to this Policy.

Under the UGG, the District is considered a “pass-through entity” in relation to its subrecipients, and as such requires that subrecipients comply with applicable terms and conditions (flow-down provisions). All subrecipients of Federal or State funds received through the District are subject to the same Federal and State statutes, regulations, and award terms and conditions as the District.

##### **A. Sub-award Contents and Communication.**

In the execution of every sub-award, the District will communicate the following information to the subrecipient and include the same information in the sub-award agreement.

1. Every sub-award will be clearly identified and include the following Federal award identification:
  - a. Subrecipient name
  - b. Subrecipient’s unique ID number (DUNS)
  - c. Federal Award ID Number (FAIN)
  - d. Federal award date
  - e. Period of performance start and end date
  - f. Amount of federal funds obligated
  - g. Amount of federal funds obligated to the subrecipient
  - h. Total amount of the Federal award
  - i. Total approved cost sharing or match required where applicable
  - j. Project description responsive to FFATA

- k. Name of Federal awarding agency, pass through entity and contact information
  - l. CFDA number and name
  - m. Identification of the award is R&D
  - n. Indirect cost rate for the Federal award
2. Requirements imposed by the District including statutes, regulations, and the terms and conditions of the Federal award.
3. Any additional requirements the District deems necessary for financial or performance reporting of subrecipients as necessary.
4. An approved indirect cost rate negotiated between subrecipient and the Federal government or between the pass-through entity and subrecipient.
5. Requirements that the District and its auditors have access to the subrecipient records and financial statements.
6. Terms and conditions for closeout of the sub-award.

**B. Subrecipient Monitoring Procedures.**

The Superintendent is responsible for having all the District project managers monitor subrecipients. The District will monitor the activities of the subrecipient to ensure the sub-award is used for authorized purposes. The frequency of monitoring review will be specified in the sub-award and conducted concurrently with all invoice submission.

Subrecipient monitoring procedures include:

1. At the time of proposal, assess the potential of the subrecipient for programmatic, financial, and administrative suitability.
2. Evaluate each subrecipient's risk of noncompliance prior to executing a sub-award. In doing so, the District will assess the subrecipient's:
  - a. Prior experience with the same or similar sub-awards.
  - b. The extent and results of Federal awarding agency monitoring.
  - c. New personnel or new or substantially changed systems.
  - d. Results of previous audits and single audit (if applicable).
3. Confirm the statement of work and review any non-standard terms and conditions of the sub-award during the negotiation process.
4. Monitor financial and programmatic progress and ability of the subrecipient to meet objectives of the sub-award. To facilitate this review,

subrecipients are required to submit sufficient invoice detail and a progress report. The District project managers will encourage subrecipients to submit regular invoices.

5. Invoices and progress reports will be date stamped upon receipt if received in hard copy. A record of the date of receipt will be maintained for those invoices sent electronically.
  6. In conducting regular oversight and monitoring, the District project managers will:
    - a. Verify invoices that include progress reports.
    - b. Raise any concerns to the Superintendent and/or designee.
    - c. Initial the progress report and invoice confirming review and approval prior to payment.
    - d. Review subrecipient match tasks for eligibility.
    - e. Obtain report, certification and supporting documentation of local (non-federal)/in-kind match work from the subrecipient.
    - f. Review invoice to ensure supporting documentation is included and invoices costs are within the scope of work for the projects being invoiced.
    - g. Compare invoice to agreement budget to ensure eligibility of costs and that costs do not exceed budget.
    - h. Review progress reports to ensure project is progressing appropriately and on schedule.
  7. The Superintendent and/or designee, upon recommendation from the project's manager, will approve the invoice payment and will initial invoices confirming review and approval prior to payment.
  8. Payments will be withheld from subrecipients for the following reasons:
    - a. Insufficient detail to support the costs billed;
    - b. Incomplete work or work not completed in accordance with required specifications.
    - c. Ineligible costs; and/or
    - d. Unallowable costs;
  9. Verify every subrecipient is audited in accordance with 2 CFR §200 Subpart F – Audit Requirements.
- C. **Subrecipient Project Files.** Subrecipient project files will contain, at a minimum, the following:
- a. Project proposal;

- b. Project scope;
- c. Progress reports;
- d. Interim and final products; and
- e. Copies of other applicable project documents as required, such as copies of contracts or MOUs.

**D. Audit Requirements.**

All subrecipients are required to annually submit their audit and Single Audit report to the District for review to ensure the subrecipient has complied with good accounting practices and federal regulations. If a deficiency is identified, the District will:

- 1. Issue a management decision on audit findings pertaining to the Federal award.
- 2. Consider whether the results of audits or reviews indicate conditions that necessitate adjustments to pass through entity's own records.

**E. Methodology for Resolving Findings.**

The District will work with subrecipients to resolve any findings and deficiencies. To do so, the District may follow up on deficiencies identified through on-site reviews, provision of basic technical assistance, and other means of assistance as appropriate.

The District will only consider taking enforcement action against non-compliant subrecipients in accordance with 2 CFR 200.339 when noncompliance cannot be remedied. Enforcement may include taking any of the following actions as appropriate:

- a. Temporarily withhold cash payments pending correction of the deficiency;
- b. Disallow all or part of the cost of the activity or action not in compliance;
- c. Wholly or partly suspend or terminate the sub-award;
- d. Initiate suspension or debarment proceedings;
- e. Withhold further Federal awards for the project or program; and/or
- f. Take other remedies that may be legally available.

**Legal References:**

2 CFR Part 180

2 CFR Part 200

2 CFR Part 200 Appendix II

2 CFR Part 200.0-200.99  
2 CFR Part 200.305  
2 CFR Part 200.313(d)  
2 CFR Part 200.317-200.326  
2 CFR Part 200.403-200.406  
2 CFR Part 200.413(a)-(c)  
2 CFR Part 200.430  
2 CFR Part 200.431  
2 CFR Part 200.458  
2 CFR Part 200.474(b)  
7 CFR Part 210  
7 CFR Part 210.16  
7 CFR Part 210.19  
7 CFR Part 210.21  
7 CFR Part 215.14a  
7 CFR Part 220.16

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**EQUIVALENCE IN INSTRUCTIONAL STAFF AND MATERIALS****A. General Policy.**

The Board directs that all schools within the District are, to the greatest extent possible, equivalent in teaching, administrative, and other staff, and in provision of curricular materials and instructional supplies so that programs and services throughout the schools of the District are substantially comparable.

In reaching this equivalency status, the Board recognizes that individual teacher salary differentials due to salary schedule, experience and longevity factors will not be included in the determination of staff equivalency. Further, the District recognizes that unpredictable changes in student enrollment and personnel assignments that occur after the beginning of the school year in determining comparability of services under this policy will not be included in an analysis of equivalency.

To promote this purpose, and to comply with applicable federal law, the Superintendent, to the maximum extent possible, shall ensure the District complies with the following:

1. Maintenance of effort. To the maximum extent possible, the District shall maintain its programs and expenditures in a consistent manner from year to year, unless changes to District funding or attendance make such allocations unfeasible.
2. Federal funds to supplement, not supplant, non-Federal funds. The District may use federal funds only to supplement the funds that would, in the absence of such federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds. To demonstrate compliance with this requirement, the District shall maintain adequate accounting records to demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that all schools receive all of the State and local funds it would otherwise receive if it were not receiving federal funds
3. Comparability of services. Except as provided in paragraph captioned "Compliance," below, the District shall ensure that State and local funds will be used in schools receiving federal funds to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving federal funds. If the District is serving all of its schools with federal funds, it must ensure that State and local funds are used to provide

services that, taken as a whole, are substantially comparable in each school.

- B. **Written assurances.** The District shall provide the New Hampshire Department of Education (NHED) written assurances that the District has established and implemented:
1. A District-wide salary schedule;
  2. A policy to ensure equivalence among schools in teachers, administrators, and other staff; and
  3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.
- C. **Procedures and records.** The Superintendent or the Superintendent's designee:
1. May adopt such written procedures as may be necessary to fully implement this policy and comply with the assurances provided to NHED;
  2. Maintain records that are updated biennially documenting compliance with this Policy.
- D. **Compliance.** For the purpose of determining compliance with the requirement to supplement and not supplant state funds with federal funds, the District is permitted to exclude State and local funds expended for:
1. Language instruction educational programs; and
  2. The excess costs of providing services to children with disabilities as determined by the Superintendent or Superintendent's designee.
- E. **Exclusion of funds.** For the purpose of complying with the requirements of comparable services, the District may exclude receipt of supplemental State or local funds expended in any school for programs that meet the intent and purpose of 20 USC § 6321.

**ANNUAL BUDGET**

One of the primary responsibilities of the Board is to secure adequate funds to carry out a high-level program of instruction.

The adopted annual school budget is the financial outline of the District's educational program; it is the legal basis for the establishment of tax rates. The annual school budget process is an important function of District operations and should serve as a means to improve communications within the school organization and with the residents of the community.

The Superintendent will be responsible for preparing, and presenting to the Board for adoption, the annual school budget. The Board expects the Superintendent to work closely with the principals and other administrators to assess the needs of the schools. The principals will confer with appropriate staff in getting budgetary requests and information on requirements.

**Legal References:**

*RSA 197:5-a*

*RSA 32:4*

*RSA 32:5*

*School Meetings and Officers: Budget*

*Preparation of Budgets: Estimate of  
Expenditures and Revenues*

*Budget Preparation*

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**BUDGET PREPARATION**

The Superintendent may establish procedures for the involvement of staff in the development of the budget proposal.

The School Board will adopt guidelines and a schedule each year for the timely submission of the budget to the Board, and budget committee (where applicable).

**Legal References:*****RSA 195:12******Cooperative School District: Budget******RSA 197:5-a******School Meetings and Officers: Budget******RSA 32:4******Preparation of Budgets: Estimate of Expenditures and Revenue******RSA 32:5******Budget Preparation*****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**BUDGET IMPLEMENTATION**

The Superintendent will establish procedures for budget implementation, control, and reporting.

**Legal References:*****RSA 32:10******Transfer of Appropriations*****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:





**TRANSFER OF APPROPRIATION**

In the event it becomes necessary to expend an amount greater than what was appropriated for a specific purpose, the Board is authorized to transfer funds from an unexpended balance of one appropriation to a different appropriation that is in deficit. All transfers of appropriations will be made consistent with the provisions of RSA 32:10.

The Board authorizes the Superintendent to transfer funds between line items up to \$5,000. Any such transfers shall be reported to the school board at the board's next regularly scheduled meeting. Any transfer in excess of \$5,000 shall first require Board approval and authorization. Any transfer of funds between line items by the Superintendent shall be done so only to achieve purposes set forth the goals or aims to be accomplished through the expenditure of public funds.

In no circumstance shall the total amount spent exceed the total amount appropriated at the school district annual meeting.

The Superintendent is authorized to develop administrative rules or regulations to accompany this Policy.

**Legal References:**

*RSA 32:10                      Transfer of Appropriations*  
*RSA 282-A:71, III        Unemployment Compensation*

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**TAXING AND BORROWING AUTHORITY/LIMITATIONS**

No funds will be borrowed for capital building projects or other major capital items without the expressed approval of the District at an annual or special school district meeting.

**Legal References:**

*RSA 33:8*

*Town or District Bonds or Notes*

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**REVENUES FROM LOCAL TAX SOURCES**

The major share of all financial support for local school districts is raised by taxing property. Most of the financial support of public education, therefore, is subject to a direct vote of the people.

It is the responsibility of the Board is to explain the objectives and needs of the schools to appropriate community bodies that have a role in school budget adoption, and to the voters of the District.

The Board, administration, and the professional staff will work with the taxpayers toward the solution of problems in the operational funding of the School District.

The Board will:

Accept all available state funds to which the District is entitled by law or through rules of the State Board of Education, and

Accept all federal funds which are available providing there is a specific need for them and that matching funds required are available.

The Board may accept revenues on a case-by-case basis consistent with the goals, policies and programs of the District.

**Legal References:**

***RSA 198:20-b***

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

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**INVESTMENT**

The School Board authorizes the School District Treasurer, working in conjunction with the Superintendent and his/her designee and pursuant to RSA 197:23-a, to invest the funds of the District subject to the following objectives and standards of care.

**OBJECTIVES**

The three objectives of investment activities shall be safety, liquidity, and yield.

1. Safety of principal is the foremost objective in this policy. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital by mitigating credit and interest rate risk. This will be accomplished by limiting the type of investments and institutions to those stipulated by statute and fully covered by FDIC insurance or collateral approved pursuant to applicable law.
2. Liquidity of the investment portfolio shall remain sufficient to meet all operating requirements that may be reasonably anticipated.
3. Yield. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

**STANDARDS OF CARE**

1. Prudence. The standard of prudence to be used by the District Treasurer and Superintendent, or his/her designee involved in the investment process, shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. They are directed to use the GFOA\* Recommended Practices and Policy Statements Related to Cash Management as a guide to the prudent investment of public funds.
2. Ethics and conflicts of interest. The School District Treasurer and Superintendent, or his/her designee involved in the investment process, shall refrain from personal business activity that could conflict with the proper execution and management of the investment program or that could impair their ability to make impartial decisions. Employees and Investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial institutions with which they conduct business. They shall also disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officials shall subordinate their personal investment transactions to those of the School District, particularly with regard to the timing of purchases and sales.

3. Internal Controls. The District Treasurer and Superintendent or his/her designee shall establish a system of internal controls which shall be documented in writing. The internal controls shall be reviewed periodically by the School Board and an independent auditor.

The investment of funds will be left to the discretion of the Finance Committee without prior approval of the Board.

The Board will periodically review the investment policy.

**Legal References:**

***RSA 197:23-a***

***RSA 383:22***

***School Meetings & Officers: Treasurers Duties***

***Public Deposit Investment Pool***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**AUTHORIZED SIGNATURES**

The Superintendent is directed to create internal controls to ensure that contracts, checks and other official documents are accurate, authorized and signed by the appropriate persons and that necessary actions are taken to prevent mistakes, fraud, embezzlement and District liability, and to comply with applicable state or federal laws and regulations.

In general, the Superintendent or his/her designee may sign documents on behalf of the District or the Board. When a signature of one Board member is required, the Chair, or in his/her absence, the Vice Chair, is authorized to sign on behalf of the Board. Other District personnel and District officials (e.g., Treasurer, school nurses, etc.) are authorized to sign documents or instruments on behalf of the District or School Board as required by any statute, regulation, or Board policy or as directed by the Superintendent.

Execution of a document on behalf of the District or the Board is indication by the person so signing that the document is accurate, has been adequately approved by the Board or other District personnel as appropriate and necessary, and is in the best interest of the District.

Electronic signatures may be used if in accordance with Board Policy EHAC.

**Legal References:*****RSA 197:23-a******RSA 294-E******School Meetings & Officers: Treasurers Duties******Uniform Electronic Transactions Act*****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:



**FISCAL ACCOUNTING AND REPORTING**

The District's accounting system will be in conformance with the New Hampshire Financial Accounting Handbook published by the State Department of Education. An adequate system of encumbrance accounting will be maintained.

The Board shall receive monthly financial reports and statements showing the financial condition of the School District. These statements/reports shall contain estimates to project cost for the full year including actual encumbered expenses. The School Board may ask for a statement or report at any time.

**Legal Reference:**

*NH Code of Administrative Rules Section Ed. 302:02 (e) (j), Substantive Duties of the Superintendent*

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Board Approval:

Policy Committee



**FUND BALANCES**

The School Board will return to the Towns any unassigned general fund balance at year-end to offset the next fiscal year's tax rate unless the school district legislative body authorizes the school district to retain year-end unassigned general funds in accordance with RSA 198:4-b.

Additionally, any fund balance shall only be used or returned in accordance with applicable New Hampshire law and/or Governmental Standards Board Statement 54 (GASB 54).

**Legal References:**

*RSA 32, Municipal Budget Law*

*RSA 33, Municipal Finance Act*

*RSA 35, Capital Reserve Funds*

*RSA 198:4-b Contingency Fund*

*Governmental Standards Board Statement 54 (GASB 54)*

**Policy Adoption & Revision History:**

Board Approval:

Policy Committee Review:

Board Approval of Revision:



INVENTORY AND MANAGEMENT OF ASSETS

**NOTE: Any property purchased in whole or in part with Federal funds must be managed in accordance with Board policy DAF, with specific fidelity to DAF-6.**

The District's capital assets include, but are not necessarily limited to, land, land improvements, buildings, building improvements, and infrastructure, as well as vehicles and certain machinery, equipment, software, works of art, and other tangible or intangible assets that are used in operations and that have initial useful lives extending beyond one fiscal year. Capital assets also include certain improvements, modifications, replacements, or renovations to capital assets that materially increase their value or useful life. The School Board's expectation for the District's capital asset management and accounting process is to ensure that the District's procedures are sufficiently formalized and implemented to allow for adequate financial reporting, as assessed by the District's auditors.

The *[insert position(s) – e.g., Business Administrator, Superintendent]*, in consultation with the District's financial auditors, shall be responsible for establishing a written schedule of capitalization thresholds applicable to particular capital asset classes. The schedule shall be structured to capture at least 80% of the value of the District's total assets. The capitalization threshold established for single items within any of the asset classes shall not be less than *[insert dollar amount]*,

1. Computing devices, computer peripherals, and any instructional technology capital assets with an individual item value in excess of *[insert dollar amount]* shall be capitalized.
2. When qualifying as capital assets, the following shall be capitalized in groups without regard to the acquisition cost of individual items within a group:
  - a. Furniture;
  - b. Textbooks;
  - c. Library books/library media acquisitions
  - d. *{other?}*.

Capital assets having an acquisition cost (or other relevant valuation) above the capitalization threshold of the applicable asset class shall be valued, inventoried, depreciated for financial accounting purposes when appropriate, and regularly tracked over time through the point of retirement, sale, or other disposition.

District procedures related to capital asset management shall also account for the appropriate identification, recording, and tracking of capital assets that are acquired using (1) federal funds, (2) capital borrowing, or (3) referendum funds that are subject to specific restrictions on use.

Nothing in this policy prevents the District from otherwise inventorying (recording, counting, and tracking) supplies, equipment, and other items that are not capitalized for financial reporting purposes. Further, the District shall appropriately inventory any such non-capitalized items if required by law or by the terms of any grant or contract.

**Legal References:**

***GASB 54      Governmental Standards Board Statement 54***

**Policy Adoption & Revision History:**

Policy Committee Review:

Board First Reading:

Board Second Reading:

Board Approval:



**AUDITS**

The books and accounts of the District shall be audited yearly. The audit to be performed will meet the basic audit procedures prescribed by CPA standards.

The Board shall select the auditors after hearing the recommendation from the Superintendent or business administrator. Such audit will be made in accordance with RSA 197:25.

**Legal References:*****RSA 197:25******Auditors******RSA 671:5******School District Elections*****Policy Adoption & Revision History:**

Policy Committee Review:

Board First Reading:

Board Second Reading:

Board Approval:



**PURCHASING**

The acquisition of supplies, equipment, and services will be centralized in the business office, which functions under the supervision of the Superintendent, and through whose office all purchasing transactions are conducted.

The Board assigns the Superintendent the responsibility for the quality and quantity of purchases made. The prime guidelines governing this responsibility are that all purchases fall within the framework of budgetary limitations and that they be consistent with the approved educational goals and programs of the District.

The Business Administrator will be solely responsible for the final approval of all non-educational purchases. The Superintendent or his/her designee will approve educational purchases beyond budget limitations.

The Business Administrator shall be responsible for all phases of purchasing in accordance with Board Policy; for requisitions, current order purchasing, writing of specifications for bids, deliveries, storage, and other tasks related to the purchases, acceptance and distribution of supplies.

**Legal References:**

***RSA 194-C:4 II (a)***

***Superintendent Services***

**Policy Adoption & Revision History:**

Policy Committee Review:

Board First Reading:

Board Second Reading:

Board Approval:



**PURCHASING PROCEDURES**

Purchasing procedures will be developed by the Superintendent or his/her designee.

Purchasing procedures will be designed to avoid assumption of risk and to ensure an optimal price for the desired products and/or services.

These procedures will require that all purchases are made on properly approved purchase orders and that for items not put to bid, price quotations will be obtained.

Special arrangements may be made for ordering perishable and emergency supplies.

***Appendix DJB-R Purchasing Procedures*****Legal References:**

*RSA 194-C:4 II(a) Superintendent Services*

*NH Code of Administrative Rules Section 303.01(b), Substantive Duties of School Boards*

**Policy Adoption & Revision History:**

First Reading:

Second Reading:

Final Approval:

Policy Committee Review:

Board Approval of Revision:



**BIDDING REQUIREMENTS**

All contracts for, and purchases of supplies, materials, equipment, and contractual services in the amount of \$5,000 or more, shall be based, when feasible, on at least three competitive bids. All purchases less than \$5,000 in amount may be made in the open market but shall, when possible, be based on at least three competitive quotations or prices. All purchases made in the open market shall be completed after careful pricing.

When bidding procedures are used, bids shall be advertised appropriately. Suppliers shall be invited to have their names placed on mailing lists to receive invitations to bid. When specifications are prepared, they will be mailed to all merchants and firms who have indicated an interest in bidding.

All bids must be submitted in sealed envelopes, addressed to the Board, and plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time specified and all bidders and other persons shall be invited to be present.

The Board reserves the right to reject any or all bids and to accept that bid which appears to be in the best interest of the District. The Board reserves the right to waive any formalities in, or reject, any or all bids or any part of any bid. Any bid may be withdrawn prior to the scheduled time for the opening of bids. Any bid received after the time and date specified shall not be considered. The Board also reserves the right to negotiate with a bidder when all bids exceed the budgeted appropriation.

The bidder to whom the award is made shall be required to enter into a written contract with the District.

**Legal References:**

*RSA 1940C:4 II (a)*

*Superintendent Services*

**Policy Adoption & Revision History:**

First Reading:

Second Reading:

Final Approval:

Policy Committee Review:

Board Approval of Revision:





**PAYMENTS CHECKS AND MANIFESTS**

All payments of District funds must be authorized by the District Treasurer. However, pursuant to RSA 197:23-a, the Treasurer shall authorize any payment upon order of a majority of the School Board or upon orders of two or more members of the School Board whom a majority of the Board has empowered to authorize payments.

Moneys drawn on the District's general fund or any special fund (with the exception of an activity fund) will require the signature of the Treasurer. Payments drawn on activity funds will require signature from the building principal. The activity advisor shall not be an authorized signor.

All payments or disbursements involving Federal Grant Funds, shall comply with the provisions of Board Policy DAF.

Electronic signatures, including computer generated signatures, may only be used as provided under Board policy EHAC. Electronic or digital payments may be made after approval or pre-approval by the Board and by the Treasurer.

Functions of the Treasurer may be carried out in the Treasurer's absence by a duly appointed Deputy Treasurer or Acting Treasurer. The Treasurer is authorized to delegate approval authority to the Business Administrator to make payroll related electronic payments, provided such payments have been previously authorized by the School Board.

The Board strictly prohibits any person from signing a blank check, and physical (paper) checks will be pre-numbered.

**Legal References:*****RSA 197:23-a******Treasurer's Duties******RSA 294-E******Uniform Electronic Transfers Act*****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**PAYROLL PROCEDURES**

All salaries and supplements paid regular staff members, substitute or part-time personnel, and student workers will be paid through the business office at regular intervals not to exceed 14 days, unless the Commissioner of the Department of Labor has authorized a different interval in accordance with RSA 275:43, IV-a (a).

Proper payroll procedures are dependent on staff attendance accounting and on the signing-in and signing-out of part-time and hourly workers. The necessary procedures for this will be established by the Superintendent and carried out by the administrative personnel.

Compensation records kept by the business office will reflect an accurate history of the compensation and related benefits paid to each employee.

**Pay Day Schedule**

The School District pays salaries on a regular schedule throughout the school year. There shall be no salary advances.

**Salary Deductions**

There will be no advance salary for any staff member.

Salary deductions are allowed. They are subject to the limitation of the accounting equipment. Authorized payroll deductions include:

1. Credit Union
2. Tax-Sheltered Annuities
3. Union Dues
4. Insurance Premium Contributions

All salary deductions, other than those regulated by federal or state laws, will be deducted only upon written approval of the employee.

**Legal References:**

***RSA 194-C:4 II (a) Superintendent Services***

***RSA 275:43 Payment of Wages; Hourly School District Employees***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**EQUIPMENT AND SUPPLIES SALES**

No equipment or supplies shall be disposed of until permission has been received from the School Board. The Board shall determine whether the material involved has salable value, and if such shall be the case, it shall authorize the sale of the material. If the material does not have salable value, the proper disposal of the books, equipment, and/or supplies shall be determined by the Board.

**SCHOOL PROPERTIES DISPOSAL PROCEDURE**

The Board authorizes disposition of obsolete items according to the following priority actions:

1. By selling to the highest bidder or whatever other business arrangement is in the best interest of the School District.
2. When practicable, the Board shall donate such items to charitable organizations and schools.
3. By giving such items to local citizens.
4. By removal to the town dump.

Sale of real estate will be by the vote of the electorate of the School District at an annual or special School District meeting, and the revenue derived there from will be returned to the general fund to defray costs of current expenses.

Fixed asset inventories will be amended to reflect changes in values through disposal.

**Legal References:**

***34 CFR SECT. 80.32***

**Policy Adoption & Revision History:**

Policy Committee Review:

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First Reading:

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Final Approval:





**WORKPLACE SAFETY PROGRAM & JOINT LOSS MANAGEMENT COMMITTEE****A. Workplace Safety Program.**

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

**B. Joint Loss Management Committee.**

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

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

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

**Legal References:**

***RSA 281-A:64            Worker's Compensation, Safety Provisions; Administrative Penalty***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**WORKPLACE SAFETY PROGRAM & JOINT LOSS MANAGEMENT COMMITTEE**

The Board recognizes that effective learning and teaching takes place in a safe, secure, and welcoming environment and that safe schools contribute to improved attendance, increased student achievement, and community support. The practice of safety shall be considered a facet of the instructional programming of the District schools by incorporating concepts of safety appropriately geared to students at different grade levels.

The Superintendent shall be responsible for developing and maintaining a comprehensive safety program/plan for the District, taking into account applicable laws, regulations, Board policies, and best practices. **While the comprehensive safety program need not be a single consolidated document**, it should include:

- A. The District-wide Crisis Prevention and Response Plan prepared under policy EBCA, which, in turn, includes the site-specific Emergency Operations Plan for each school (see also RSA 189:64 and policy EBCA);
- B. The Sports Injury Emergency Action Plan prepared under policy JLCJA;
- C. The District Communication Plan EG; and
- D. The School Bus Safety Program established under policy EEAE.

Additionally, to the extent not included in the above specific Board directed plans, the Superintendent will address the following areas of emphasis in the comprehensive safety plan:

1. Procedures that address the supervision and security of school buildings and grounds. See also ECA.
2. Procedures that address the safety and supervision of students during school hours and school-sponsored activities. See also JLIA.
3. Procedures that address persons visiting school buildings and attending school-sponsored activities. See also KI and KFA.
4. Training programs for staff and students in crisis prevention and management. See EBCA.
5. Training programs for staff and students in emergency response procedures that include practice drills for fire and all hazard as required by law and Board policy EBCB.
6. Training programs for staff and students in how to recognize and respond to behavior or other information that may indicate impending violence or other safety problems. See also EBCC.
7. Procedures and training to implement employee and work-place safety per Board policy EB.
8. Training and support for students that aims to relieve the fear, embarrassment, and peer pressure associated with reporting behavior that may indicate impending violence or other safety problems.

9. Procedures for safe and confidential reporting of security and safety concerns at each school building.
10. Procedures for regular assessments by school security/safety professionals and law enforcement officers to evaluate the security needs of each school building and to provide recommendations for improvements if necessary. See also ECA.
11. Procedures for periodic assessments by school climate professionals to determine whether students feel safe and to provide recommendations for improvements in school climate at each district building.
12. Procedures for managing the behavior of children, including, proper training and protocols relative to restraint and seclusions consistent with RSA 126-U and Board policy JKAA.
13. Training programs for staff and students in safety precautions and procedures related to fire prevention, natural disaster response, accident prevention, public health, traffic, bicycle and pedestrian safety, environmental hazards, civil defense, classroom and occupational safety, and special hazards associated with athletics and other extracurricular activities.
14. District and building level procedures to assure timely safe schools reporting to law enforcement the N.H. Department. of Education and the School Board as required under RSA 193-D:4.

**Whenever the Superintendent delegates tasks relating to the above to other District personnel, that delegation should be recorded in a manner readily accessible to others in the instance of the Superintendent's absence or departure.**

Each Principal shall be responsible for the supervision and implementation of components of the safety programs in his/her school, inclusive of school busses, school grounds (including playgrounds), during authorized school activities (such as field trips), within school building(s) (including classrooms and laboratories), off school grounds during school sanctioned activities (including, but not limited to, work-based learning and internships), and in the use of online resources.

**Legal References:**

***RSA 193-D***

***Safe School Zones***

***RSA 193-F***

***Pupil Safety and Violence Prevention***

***RSA 281-A:64***

***Worker's Compensation, Safety Provisions: Administrative Penalty***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

**ACCIDENT REPORTS**

General Accident Reporting: An accident report shall be required whenever an accident occurs:

1. in a school;
2. at any school-sponsored activity
3. on a school playground; or

which requires a student or employee to be:

1. out of class or absent from school;
2. necessitates the services of a health care provider (physician, advanced registered nurse practitioner, licensed physician's assistant or dentist);
3. requires first aid; or
4. which might reasonably be anticipated to give cause to an insurance or liability claim or case for liability at a later date.

The school district employee who witnessed or first responded to the accident must fill out an accident form as soon as possible, but in no event more than 24 hours of the accident. The form shall be submitted to the building principal and forwarded to the Superintendent. The building principal, or in the principal's absence the supervisor on duty at the time of the accident, shall assure that an accident form is completed in a timely manner.

B. Insurance Notification: For accidents which might lead to an insurance or liability claim, the Superintendent shall notify the District's liability carrier promptly.

C. Additional Reporting Required for Accidents Involving Death or Serious Injuries.

- a. Within eight (8) hours of any accident involving a death which occurs during the school day, or on school property, the building principal or other supervisor on duty at the time, shall report the death to the Commissioner of the New Hampshire Department of Labor via telephone or email. This initial report shall state as fully as possible the cause of the death and the place where the body of the deceased person was sent.
- b. Within twenty-four (24) hours of any accident involving a serious injury which occurs during the school day, or on school property, the building principal or other supervisor on duty at the time, shall report the serious injury to the Commissioner of the New Hampshire Department of Labor via telephone or email. This initial report shall state as fully as possible the cause of the death and the place where the injured person was sent for medical evaluation or treatment. For the purposes of this provision, "serious injury" means an incident that results in amputation, lost or fracture of any body part, head injury or internal injury that necessitates hospitalization.

D. Training: All staff shall receive annual training relative to accident and accident reporting protocols (including classrooms and laboratories), off school grounds during school sanctioned activities (including, but not limited to, work-based learning and internships), and in the use of online resources.

**Legal References:**

<i>RSA 200</i>	<i>Health and Sanitation</i>
<i>RSA 177:15-b</i>	<i>Reports of Death or Serious Injury</i>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

**EMERGENCY CARE AND FIRST AID**

All School personnel have responsibilities in connection with injuries and emergencies occurring in school and at school-sponsored events, which may be classified as follows: (1) administering first aid; (2) summoning medical assistance; (3) notifying administration; (4) notifying parents; and (5) filing accident/injury reports.

School personnel must use reasonable judgment in handling injuries and emergencies. Caution should be exercised not to minimize or maximize any injury or illness. All personnel will understand the proper steps to be taken in the event of an injury or emergency.

The Superintendent will ensure that at least one other person on staff, aside from the school nurse, has current first aid and cardiopulmonary certification (CPR). If the school nurse or licensed practical nurse is not available, the person(s) who have current first aid and CPR certification is authorized to administer first aid and CPR as needed.

The school will obtain at the start of each school year emergency contact information of parents/guardians for each student and staff member.

The school physician, school nurse, or specially trained staff members shall assist in the treatment of injuries or emergency situations. Such individuals have the authority to administer oxygen in case of a medical emergency, if available and if appropriate. This authorization extends to administering oxygen to students without prior notification to parents/guardians.

The school nurse or other designated personnel may administer other medications to students in emergency situations, provided such personnel has all training as is required by law. Such medication may also be administered in emergency situations if a student's medical action plan has been filed and updated with the school district to the extent required by law.

Consistent with state law, the school nurse may maintain a supply of asthma related rescue medication and the emergency medication epinephrine. The school physician, if any, the school nurse, or specially trained staff members may also administer epinephrine to any student in case of a medical emergency, if appropriate. This authorization extends to administering epinephrine without prior notification to parents/guardians. The school nurse or other designated personnel may administer or make available to self-administer a bronchodilator, spacer, or nebulizer to a student who has been diagnosed with asthma for use in emergency or other situations as determined by the school nurse.

The district will maintain all necessary records relative to the emergency administration of medication and will file all such reports as may be required under Board policy JLCD, or applicable laws or regulations.

Accident reports must be prepared and filed consistent with Board policy EBBB.

The District makes it possible for parents/guardians to subscribe to student accident insurance at low rates. This program is offered each year during September. The District does not provide student accident insurance.

Records related to the emergency administration of any medication under this policy shall be made and maintained by the school nurse as provided in Board policy JLCD and District procedures JLCD-R. The school nurse will follow other first aid reporting protocols, as may be determined by other Board policy or administrative directive.

***Naloxone/Narcan and Opioid Antagonists:***

The Board authorizes the District to obtain, store and administer naloxone/Narcan and/or other opioid antagonists for emergency use in schools.

The school nurse or other properly trained staff member may administer such medication in emergency situations. Opioid antagonists will be available during the regularly scheduled school day. They may be available at other times at the discretion of the Superintendent.

The Superintendent is authorized to procure such medication on behalf of the District.

All such medication will be clearly marked and stored in a secure space in the school nurse's office or other appropriate location. The school nurse is responsible for storing the medication consistent with the manufacturer's instructions and Board policy JLCD and District procedures JLCD-R.

Local law enforcement and emergency medical service personnel will be notified if such medication is administered by the District.

**Legal References:**

<b><i>RSA 200:40</i></b>	<b><i>Emergency Care</i></b>
<b><i>RSA 200:40-a</i></b>	<b><i>Administration of Oxygen by School Nurse</i></b>
<b><i>RSA 200:44-a</i></b>	<b><i>Anaphylaxis Training Required</i></b>
<b><i>RSA 200:54</i></b>	<b><i>Supply of Bronchodilators, Spacers or Nebulizers</i></b>
<b><i>RSA 200:55</i></b>	<b><i>Administration of Bronchodilator, Spacers or Nebulizers</i></b>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**EMERGENCY CARE AND FIRST AID**  
**FIRST AID DIRECTIONS/EMERGENCY CARE FOR SICKNESS AND ACCIDENTS**

The directions listed below are to be considered Standing Orders for emergency and first aid care of pupils and personnel in the event of illness or injury during school hours or a scheduled school activity.

Whether or not a child sees a Physician is the decision of his parent. In the event of a severe injury, the School Nurse or person in charge acting in loco parents should determine the proper course of action and the necessary step. The instructions of the parent as listed on the Emergency Card should be followed.

Abdominal Pain -- Rest - Notify parent - refer to physician.

Asphyxiation (Choking) -- Occasionally, coins and other foreign bodies, even particles of food, become lodged in the throat, obstructing the air passage. Immediately call the Physician. Slapping the person on the back, bending him forward with face downward, or, in case of children, inverting the body, frequently causes dislodgment and expulsion of the foreign body. After removal, perform artificial respiration if breathing has ceased.

Bleeding - Major Wounds -- Apply dressing and then pressure; elevate; notify parents and direct to physician or hospital.

Minor Wounds -- Apply antiseptic (Zephiran) bandage.

Nosebleed -- Put injured in sitting posture with head back. Loosen collar. Have him breathe through mouth. Pressing the nostrils together stops bleeding. If bleeding does not stop, apply sterile gauze pad to nostrils, hold in place. Notify parents and refer to physician.

Burns - 1st Degree -- If possible, immerse in cold water. Apply dry dressing - notify parents and refer to physician.

2nd Degree--If possible, immerse in cold water. Apply dry dressing - notify parents and refer to physician.

3rd Degree -- If possible, immerse in cold water. Apply dry dressing - notify parents and refer to physician.

Chemical -- Use large quantities of water to wash off the chemical, notify parents and refer to physician.

Electric Shock -- Shut off current at once, and pull injured away. In releasing injured, do not touch wire, source of current, or injured's body. Don't touch with bare hands anything made of metal. Use a dry stick or a cloth to pull injured away, or tug at some loose part of his clothing. Do not use moist objects. Begin artificial respiration. Burns, if they occur, may be treated later.

Ears - Foreign Bodies -- Notify parents and refer to physician.

Earache -- Notify parents and refer to physician.

Eyes - Injuries & Foreign Bodies -- Do not rub the eye. Keep it closed and let the tears gather to wash the foreign substance to corner. Use eye wash (eye cup with warm water). If foreign body is imbedded, see physician.

Fainting -- Loosen all tight clothing. Place body flat on back with head slightly lowered. Ensure plentiful supply of fresh air, rest and quiet. Smelling salts held to the nose are useful. When seated person is about to faint, do not move him. Bend his head down between the knees. Notify parents and refer to physician.

Frostbite -- Caused by exposure to unusually cold temperatures, resulting in freezing of parts of the body, usually fingers, toes, nose and other exposed areas. Pain is usually present in freezing of hands or feet, but may be absent in freezing of the ears and nose.

Head Injuries -- Notify parents and refer to physician.

Toothache -- Apply oil of clove; notify parent and refer to dentist.

Sore Throat -- Notify parent.

Foreign Body in Throat -- Occasionally coins and other foreign bodies, even particles of food, become lodged in the throat, obstructing the air passage.

After calling the physician, an attempt should be made to remove the foreign body. Slapping the person on the back, bending him forward with face downward, or, in case of children, inverting the body, frequently causes dislodgment and expulsion of the foreign body. After removal, perform artificial respiration if breathing has ceased.

Poisoning (by Mouth) -- Take to Emergency Room of nearest hospital with container of liquid swallowed or contact the Poison Center at Dartmouth Hitchcock Medical Center, Hanover, New Hampshire: 1-800-562-8236

Shock -- Lie flat; elevate feet if no head or neck injury is evident; cover (but not to point of perspiring); contact parents; call ambulance or proceed as directed by physician.

Stings, Bites, etc.

Animal Bites -- Wash wound thoroughly. Apply antiseptic and sterile gauze, and bandage. Notify parent and refer to Physician.

Insect Bites & Stings -- Apply compress soaked in ammonia water. The sting of a bee is usually seen in the wound and should be removed by scraping. Plucking out with thumb and forefinger empties the contents of the poison sac into the wound. In the event an allergy exists, follow directions from parents or child's physician.

Poison Ivy, Oak, Sumac

First Contact -- Wash with soap and water.

Rash -- If rash is present, apply Caladril Lotion.

Suspected Fractures, Sprains -- Apply support or splint and cold pack. Notify parent and refer to physician.

Transportation of Injured -- Notify parent - if injury is severe, call ambulance.

Miscellaneous Illnesses -

Headache -- Rest for short period of time. If headache continues, notify parent and send child home.

Digestive Upset -- rest for short period of time. If vomiting is present, notify parent and send child home.

Dysmenorrhea -- Rest - notify parent of the presence of this condition.

Wounds

Abrasions -- Wash with soap and water. Apply bandage or dressing.

Bruises -- If skin is broken, apply antiseptic, bandage and ice pack. Notify parent.

Laceration -- Apply dressing to control bleeding. Notify parent and refer to physician if warranted.

Puncture Wounds

Minor -- (i.e., pencil) Wash with soap and water. Apply antiseptic and dressing.

Major -- Apply dressing - notify parent and refer to physician.

Internal Medicine -- Under no circumstances (unless under doctor's orders) are internal medications to be given to any child - this includes aspirin.

NOTE: Any accident which requires the attention of a Physician is to be considered a major accident.

- I. In case of a minor accident to a pupil, the procedure to be observed is as follows:
  - a. If the nurse is in the school, the pupil should be sent to her.
  - b. If the nurse is not available, first aid should be given and a record made for the nurse of the pupil's name, grade and address

- c. Report accident on School Accident Claim form if the injured is covered by school insurance.

II. In case of a major accident to a pupil, the procedure to be followed is:

- a. If the nurse is in the school, she should be called to take charge until the parent can be called and allowed to determine what is to be done.
- b. If the nurse is not readily available, the teacher in charge of the class or activity is responsible.
- c. Such first aid as may be indicated should be administered by a staff member who has had first aid training.
- d. If the parent cannot be reached, the School Physician should be called and his recommendations are to be followed. If the School Physician cannot be reached, the nearest physician or the nearest hospital should be notified of the emergency and the recommendations followed.
- e. If the parent cannot be reached and the hospital assumes charge of the case, the parent should be notified of this fact at the earliest possible moment.
- f. The nurse, or the Principal, or a member of the Principal's staff who is in charge of the activity, shall accompany the pupil to the hospital unless the Principal directs otherwise.
- g. The accident should be reported by phone by some employee to the Superintendent of Schools' Office and a written report provided either on the claim form, if the injured is insured or if not insured, on the regular accident report form furnished by the SAU Office.

III. Sending pupils home

- a. Sick or injured pupils who are permitted to go home must always be accompanied by the School Nurse, a teacher, the parent, or the parent's representative.
- b. The School Nurse shall perform all first aid and emergency care in accordance with the School Physician's written orders, which shall be posted in the school health office. In the event that the School Nurse is not available, the chain of responsibility for administration of first aid shall be as follows:

Principal/Administrator  
Guidance Counselor  
Physical Education Teacher

If the injury is minor, one of the designated staff members may administer first aid in accordance with the posted instructions of the physician.

**Legal References:**

<i>RSA 200:40</i>	<i>Emergency Care</i>
<i>RSA 200:40-a</i>	<i>Administration of Oxygen by School Nurse</i>
<i>RSA 200:44-a</i>	<i>Anaphylaxis Training Required</i>
<i>RSA 200:54</i>	<i>Supply of Bronchodilators, Spacers or Nebulizers</i>
<i>RSA 200:55</i>	<i>Administration of Bronchodilator, Spacers or Nebulizers</i>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**INDOOR AIR QUALITY & WATER QUALITY**

A. **Indoor Air Quality.** In order to ensure that all school buildings have adequate indoor air quality, the Board directs the Superintendent or the Superintendent's designee to address methods of minimizing or eliminating emissions from buses, cars, delivery vehicles, and other motorized vehicles. The Superintendent/designee may delegate the implementation of these methods to building principals. The Board encourages the Superintendent/designee to utilize methods and recommendations established by various State agencies.

In addition to addressing methods eliminating emissions, building principals are directed to annually investigate, and report to the Superintendent/designee, air quality in their respective school buildings using a checklist provided by the New Hampshire Department of Education.

In support of this policy, the Superintendent is authorized to establish regulations and/or administrative rules necessary to implement anti-idling and clear air measures aimed at improving indoor air quality.

B. **Water Quality and Access.** The Board directs the Superintendent/designee to take measures to limit lead exposure in school drinking water and ensure compliance with RSA 485:17-a, III, and consistent with regulations and guidance of the N.H. Departments of Environmental Services and of Education.

Water stations in school buildings shall be installed in accordance with Ed Rule 321.18(h) relative to the number of drinking fountains required.

The Superintendent/designee will make recommendations to the Board for any modifications that involve expenditures greater than  .

**Legal References:**

***RSA 200:11-a           Investigation of Air Quality***

***RSA 200:48            Air Quality in Schools***

***RSA 485:17-a        Lead in Drinking Water in Schools and Licensed Child Care Facilities***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:





**CRISIS PREVENTION AND EMERGENCY RESPONSE PLANS**

The Board recognizes that schools are subject to a number of potentially dangerous events, such as natural disasters, industrial accidents, acts of terrorism, and other violent events. No school is immune from these events no matter the size or location. The Board is committed to the prevention of these events, to the extent possible, in the schools and at school-sponsored activities.

**A. Site-specific Emergency Operations Plan (RSA 189:64).** Each school shall develop a site-specific school emergency operations plan (“EOP”) based on and conforming with the Incident Command System and the National Incident Management System and pursuant to RSA 189:64. Each Emergency Operations Plan will address hazards as including, but not limited to: acts of violence, threats, natural disasters, fire, hazardous materials, medical emergencies, and other hazards deemed necessary by the School Board or local emergency authorities. School building principals, or their designee, shall annually review their site-specific EOP and submit updated plans (or report of no changes) to the Superintendent for review by  .

If, after such review, the plan remains unchanged, then the Superintendent shall notify the New Hampshire Department of Safety by October 15 that the plan is unchanged. If an Emergency Operations Plan is updated/revised, the Superintendent shall submit the updated Emergency Operations Plan to the Director of Homeland Security and Emergency Management of the Department of Safety by October 15.

***All-hazard and fire evacuation drills shall be conducted annually pursuant to Board policy EBCB.***

**B. District-wide Crisis Prevention and Response Plan.**

The Superintendent, in consultation with appropriate personnel, and in coordination with local emergency authorities, shall develop a District-wide Crisis Prevention and Response Plan (the “District Crisis Plan”). The District Crisis Plan shall serve as a compilation of each site-specific Emergency Operations Plan for each District school and shall include the current Sports Injury Emergency Action Plan as required under Board policy JLCJA and RSA 200:40-c.

The District-wide Crisis Plan will include provisions addressing coordination of crisis prevention and responses between and among the different schools, grounds, school buses, and other facilities of the District. Additionally, the District Crisis Plan should address:

*[Insert other provisions or issues the Board wishes such plan to address.]*

In order to avoid plan/policy conflicts, the District Crisis Plan will reference applicable sections of other pertinent plans rather than restate (e.g., crisis communications should be addressed in the District Communication Plan, EG-R).

The District Crisis Plan shall be updated and provided to the Board for review by October 31 each year (i.e., after the site-specific EOP’s are submitted to the state).

C. **Coordination.** The Superintendent will establish a relationship with local and state emergency services (e.g., police, fire, ambulance, etc.). Unless otherwise provided in a site-specific EOP, the District-wide Crisis Prevention and Response Plan or the District Communication Plan, the Superintendent, or his/her designee, will serve as the coordinator/liaison with these authorities. Additionally, the Superintendent should designate personnel to explore the availability of any training or support provided by the New Hampshire Departments of Education and/or Safety associated with risk assessment, crisis management, and other matters related to this policy.

**Legal References:**

<i>RSA189:64</i>	<i>Emergency Response Plans</i>
<i>RSA 193-D</i>	<i>Safe School Zones</i>
<i>RSA 193-F</i>	<i>Pupil Safety and Violence Prevention</i>
<i>RSA 200:40-c</i>	<i>Emergency Plans for Sports Related Injuries</i>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

**FIRE AND ALL HAZARD DRILLS**

Under rules of the New Hampshire Department of Safety each school is required to conduct a fire evacuation drill each month that school is in session. However, pursuant to RSA 189:64, I, at least **four (4)** such drills shall be all-hazard response drills, and at least **one (1)** of those must test emergency response to an armed assailant. The armed assailant drill may be discussion based. The scheduling, as well as the types and manner of drills and exercises for the all-hazard drills shall be determined by the building principal in consultation with the Superintendent, and local public safety, emergency management, and public health officials. The school may include students and first responders in all-hazard response drills or activities as deemed appropriate by the building principal and Superintendent. The remaining fire evacuation drills should be *for each building* by the building principal in coordination with the local fire department.

The purpose such drills is to train students, under staff direction, to move safely, quickly, and quietly from any location within the building to an assigned evacuation area outside. The evacuation routes and procedures shall be developed in collaboration with the same agencies identified above for scheduling, and in accordance with the District's annual Crisis Prevention and Emergency Response Plan. Records of such drills shall be kept in accordance with that Plan, Board policy EHA and administrative procedure EH-B.

**Legal References:*****RSA 189:64******Emergency Response Plans*****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**FALSE ALARMS, BOMB, ACTIVE SHOOTER AND OTHER SUCH THREATS**

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

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

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

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

**Legal References:**

<i>RSA 158:9</i>	<i>Possession of Explosives</i>
<i>RSA 644-a</i>	<i>False Fire Alarms</i>
<i>RSA 644:3</i>	<i>False Public Alarms</i>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

**PANDEMIC/EPIDEMIC EMERGENCIES**

The Board recognizes that a pandemic/epidemic is a serious threat that stands to affect students, staff, and the community as a whole.

The Board establishes this policy in the event the town/ municipality and/or school district is affected by a pandemic or epidemic. At all times the health, safety and welfare of the students shall be the first priority. The District shall follow the advice and recommendations in the State of New Hampshire's Influenza Pandemic Public Health Preparedness & Response Plan, as prepared by the Dept. of Health & Human Services.

**Planning and Coordination**

Planning for a pandemic requires a multi-faceted effort, and school preparedness should include input from a team of individuals to address their specific areas of expertise.

The Superintendent shall designate one or more employees to serve as a liaison between the school district and local and State health officials. This designee is responsible for communicating with health officials to identify local hazards, determine what crisis plans exist in the school district and community, and to establish procedures to account for student well being and safety during such a crisis. The designee shall work with local health officials to coordinate their pandemic/epidemic plans with that of the school district. The Board encourages the designee to become a member of the Health Alert Network through the New Hampshire Department of Health & Human Services.

The principal and/or school nurse or other designee shall develop a curriculum component to health classes that is designed to teach students about preventing or limiting the spread of communicable diseases.

With fiscal concerns in mind, the district may purchase and store supplies necessary for an epidemic/pandemic response, including but not limited to disinfectant products, face masks, water, examination gloves, and other supplies as recommended by the school nurse.

The Superintendent shall develop procedures and plans for the transportation of students in the event students are released from school early.

**Response**

In the event anyone within the school is discovered or suspected to have a communicable disease that may result in transmission to other students, faculty, or staff, that person shall be immediately isolated pending further medical examination. The New Hampshire Communicable Disease Control Section of the Department of Health and Human Services shall be notified immediately.

**Infection Control**

Any student or staff member found to be infected with a communicable disease that may bears risk of transmission will be excluded from school until that individual's primary care physician or other medical personnel indicating that the individual does not bear the risk of transmitting the communicable disease provide medical clearance.

Students with excessive absences due to a communicable disease may be given a reprieve from other Board policies relative to excessive student absences. Efforts will be made by the staff to determine what, if any, schoolwork the student can complete while absent.

Staff members who are forced to miss excessive days of work shall first use any leave entitled to them through the Family and Medical Leave Act and/or accrued sick leave. If a staff member has still not received medical clearance to resume his/her work duties, absences in excess of a staff member's allotted leave will not affect the employees right to continued employment.

**Continuance of Education**

The Superintendent will develop a plan of alternate means of educating students in the event of prolonged school closings and/or extended absences. Such a plan may include providing students with assignments via mail, local access cable television, or the school district's website.

The Superintendent is authorized to amend the traditional class schedule and schedule of days. Such a plan may include extending the school day, having school days held on Saturdays, the use of previously scheduled vacation days, and/or extend the school year beyond the previously established end of school year.

**Legal References:**

*Influenza Pandemic Public Health – Influenza Pandemic Public Health Preparedness & Response Plan, New Hampshire Department of Health and Human Services*

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**COMMUNICABLE & INFECTIOUS DISEASES****A. POLICY:**

Students and employees of the District are expected to attend the schools of the district without being infected with serious communicable diseases. Nonetheless, the Board recognizes that staff, students, volunteers and others may come in contact with bloodborne pathogens, viruses and other communicable diseases during the school day or school sponsored activities, or may carry those pathogens, viruses and diseases unknowingly into the school community. The Board adopts this policy as a means to minimize risk and respond to these health concerns while respecting the rights of all students and employees, including those who are so infected.

As described in Board policy JLCG, RSA 200:39 permits the exclusion from school of students who exhibit symptoms of contagion, or are a hazard to him/herself or others. As provided in this policy, determinations as to inclusion or exclusion of students or employees with communicable diseases from school will take into account the educational implications for the student and others with whom he or she comes into contact, recommendations from the New Hampshire Department of Health and Human Services ("NHDHHS"), the New Hampshire Department of Education, and the United States Public Health Services Centers for Disease Control ("CDC"). Diseases which will implicate this policy, include, but are not necessarily limited to, HSV related diseases such as Chickenpox, Shingles, Hepatitis B, and Infectious Mononucleosis, Acquired Immune Deficiency Syndrome (AIDS), Cytomegalovirus (CMV), or Herpes Simplex Virus (HSV), and other diseases which are from time-to-time identified by public health agencies such as the CDC and NHDHHS.

**1. Students.**

It is the policy of the District that students with communicable diseases should not be excluded from attending school in their regular classrooms so long as their attendance results in a situation where the risk of transmission of illness to students or employees of the School District, or hazard to themselves, is negligible. All decisions regarding inclusion or exclusion shall be made consistent with this section and the procedures set forth in section B of this policy.

**2. Employees.**

It is the policy of the School Board that employees (which for the purposes of this policy will include individual consultants/contractors, and volunteers) with communicable diseases not be excluded from attending to their customary employment and duties so long as they are physically able to perform tasks assigned to them and so long as their employment results in a situation where the risk of transmission of illness to students or other employees of the District, or hazard to themselves, is negligible.

**3. Special Circumstances and Conditions.**

The School Board recognizes that some students or employees, because of age, disability or other special conditions, may pose greater risks for the transmission of communicable

diseases than other persons infected with the same illness. Examples include children who display biting behavior and students and employees who are unable to control their body fluids or have uncovered wounds. These conditions need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the educational program of the student or employment of the employee.

In the instance of diseases causing suppressed immunity, attendance may be denied to a child with suppressed immunity in order to protect the welfare of the child with suppressed immunity when others in the school have an infectious disease which, although not normally life threatening, could be life threatening to the child with suppressed immunity.

**B. PROCEDURES WHEN COMMUNICABLE DISEASE IS SUSPECTED:**

1. **Reporting.** School District employees, including contracted individuals and/or agencies who are performing contracted responsibilities for the School District, and who become aware of a communicable disease or other potentially serious health problem regarding themselves, or of students or other employees, unless prohibited by statutory confidentiality, they will report it to the school nurse, or building Principal/designee.
2. **Response.** The health risk to others in the school district environment from the presence of a student or employee with a communicable disease shall be determined on a case-by-case basis. In all cases in which the school nurse, or other person designated by the Superintendent, becomes aware that a student or employee of the School District has contracted a communicable disease of the kind in section A of this policy, s/he will take the following steps:
  - a. The parent/guardian(s) of a student will be contacted in order to discuss the situation and determine whatever facts are available; the same information will be communicated promptly among the Superintendent/designee, school nurse and Principal/designee.
  - b. Upon receiving written consent from the parent(s) or guardian of a student or, in the case of an employee, the employee or his/her health care agent (i.e., adult to whom authority to make health care decisions is delegated under an advance directive meeting the requirements of RSA 137-J:20), the school nurse/Superintendent's designee will attempt to confer with the treating physician, if any, in order to determine any significant medical facts concerning the diagnosis of the disease or factors affecting the possible transmission of the disease.

- c. Notify and consult with the health care professionals knowledgeable about the particular disease. Following such consultation, the school nurse, Superintendent or his/her designee, shall determine the immediate, short-term action to be taken relative to educational placement of the student or work assignment for the employee.
- d. When a communicable disease of the kind identified in section A of this policy is suspected or confirmed in an individual, the school nurse shall consult with the Superintendent or designee and appropriate public health officials, to determine whether a student or employee shall be excluded from school or from attending to their customary employment, and whether additional measures are required to protect other members of the school population. Factors specific to individuals, such as biting behaviors, lack of control of body fluids, existence of uncovered wounds or other medically identifiable conditions may also be considered. Recommendations regarding the least restrictive educational placement for a student or continued attendance at work for an employee may be sought on a case by case basis.

In addition to the information obtained in steps a-c, decisions to exclude shall consider criteria from NHDHHS Bureau of Infectious Disease included in its publication *“When Children Should be Excluded or Dismissed from a Childcare Setting”*, or the American Academy of Pediatrics’ *“Red Book: Report of the Committee on Infectious Diseases”*, or other general or specific guidance from the NHDHHS or the United States Centers for Disease Control.

- i. Decisions regarding students. Unless the school nurse is unavailable, the ultimate decision to exclude a child from school under this Policy due to a contagious or communicable illness shall be made by the school nurse after consulting with the Superintendent/designee and Principal/designee.

If the school nurse is unavailable, a decision to exclude shall be made by the Superintendent/designee.

If the student is a student with an IEP, 504 plan, or other such individualized learning plan, then decisions regarding alternative settings shall be made according to the applicable laws, regulations and policies.

Students who are aggrieved by the education plan determinations may appeal said determinations pursuant to state and federal special education law if the infected student is eligible for or claims that s/he is eligible for special education or special education and related services. Excluded students who do not claim that they are eligible for special education or special education and related services, but who are aggrieved by the Superintendent's determinations, may appeal said determinations to the

Board.

- ii. Decisions regarding employees. Determinations regarding exclusion or reassignment of employees shall be made by the Superintendent/designee. Absent significant risk to the employee or risk of transmission to students or other employees, the Superintendent shall not alter the job assignment of the infected person. Volunteers are subject to any directives issued by the administration, as are contractors and consultants, subject to the terms of their respective agreements.

If the Superintendent/designee, after taking the steps above, determines that there is a medically recognized risk of transmission of disease in the School setting or that a significant health problem restricts the infected person's ability to work, or presents a substantial hazard to the employee, the Superintendent/designee shall, if necessary, develop an individually tailored plan to accommodate the staff member if possible. Additional persons may be consulted if necessary for gaining additional information, but the infected person must approve of the notification of any additional persons who are informed of the infected person's identity. The Superintendent/designee may consult with legal counsel to ensure that any official action is consistent with state and federal law. If an individually tailored plan is necessary, said plan should be medically, legally, educationally and ethically sound.

- iii. Testing, Social Distancing and Other Extraordinary Measures. Some infectious diseases, viruses, etc., may be so dangerous and or the risk of casual transmission so great, that effective response will require broader measures. Based upon specific recommendations of local, state and/or federal health authorities, the Superintendent is authorized to implement such additional, extraordinary emergency measures as may be necessary and appropriate to address the health risk: e.g., school closure, population exclusion (stay-at-home type instructions), mandatory screenings, mandatory use of personal protective equipment (PPE's), social distancing orders, administrative leaves or temporary adjustments in duties. These provisions are intended to complement, not replace any provisions of Board policy EBCF *Pandemic/Epidemic Emergencies*. Such measures should be taken with prior notice to the Board, if practicable, or as soon as possible thereafter. The Board Chair may determine that the circumstances, or the measures implemented by the Superintendent, warrant a special or an emergency meeting of the School Board.

### 3. Practices to Minimize Contamination in Schools.

Good hygiene practices as recommended by local, county and state health authorities are

to be followed at all times when handling blood or other body fluids of any student or employee. Parents and employees are not generally required to advise the school if their child has a communicable disease. (Some exception may exist under specific legislation or Executive/emergency orders, in which, such legislation or Executive orders shall supersede this policy to the extent necessary to remove any conflict.) Because the District may not rely on self-reporting, it is appropriate to adopt procedures for the handling of body fluids from any child or employee. This also eliminates the need to notify all maintenance, transportation and building personnel if the District becomes aware of a student or employee with communicable diseases. It is recommended the following procedures be used on a routine basis when blood or any other body fluids including vomitus and fecal or urinary incontinence are involved.

- a. Gloves should be worn when cleaning up any body fluids.
- b. Spills should be cleaned up, the affected area washed with soap and water and disinfected with bleach (one part bleach to ten parts water), or another disinfectant.
- c. All disposable materials, including gloves and diapers, should be discarded into a plastic bag before discarding in a conventional trash system. The mop should also be disinfected with the bleach solution described in B above.
- d. Toys and other personal non-disposable items should be cleaned with soap and water followed by disinfection with the bleach solution before passing to another person. A normal laundry cycle is adequate for other non-disposable items.
- e. Persons involved in the clean-up should wash their hands afterward.

Additional precautions may be recommended or required in certain instances (e.g., social distancing, masks, etc.)

#### 4. **Confidentiality and Data Privacy.**

Public concern regarding communicable diseases is neither an excuse nor defense for the violation of data privacy rights of students or employees who have or are rumored to have such illnesses.

- A. Personally identifiable health information regarding students is private data and is not to be disseminated to the public or to staff without the strict observance of student privacy rights.
- B. Personally identifiable health data and information regarding employees is private data and may not be released to the public nor to fellow employees without strict

observance of privacy rights of public employees.

- C. Parents of other children attending the school, or other school employees, may only be notified of a possible exposure to a communicable disease to the extent permitted, or required, under applicable law, regulations or Executive order. In general, such information will not identify the particular student or employee who has the disease.
- D. Any District employee who violates the confidentiality provisions of this policy shall be subject to discipline. A confidentiality breached by an independent contractor/consultant, could result in termination of the contract for cause.

#### 5. **Staff and Student Education.**

The School Board recognizes that the education of its residents, staff, and students regarding the risks involved in the spread of infectious diseases in the school setting will help to minimize the risk of transmission to other students and employees while protecting the rights of infected students and employees.

- A. All school district employees should receive instruction regarding appropriate hygienic practices for use in school settings, precautions to be employed where contagious diseases may be encountered and community resources for referral and information.
- B. Any information provided as part of a student's instruction pertaining to sexually transmitted diseases shall comply with Board policy IHAM.

#### 6. **Implementation.**

The Superintendent is authorized to implement this policy through and procedures, or administrative directives which s/he deems necessary or appropriate.

#### **Legal References:**

<i>RSA 186-C</i>	<i>Special Education</i>
<i>RSA 189:1-a</i>	<i>Duty to Provide Education</i>
<i>RSA 189:31</i>	<i>Removal of a Teacher</i>
<i>RSA 193:1</i>	<i>Duty of Parent: Compulsory Attendance by Pupil</i>
<i>RSA 193:3</i>	<i>Change of School or Assignment, Manifest Educational Hardship or Best Interest, Excusing Attendance</i>
<i>RSA 200:32</i>	<i>Physical Examination of Student</i>
<i>RSA 200:36</i>	<i>Medical Examination of School Personnel</i>
<i>RSA 200:39</i>	<i>Exclusion from School</i>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:





**BUILDINGS AND GROUNDS MANAGEMENT**

The Superintendent will have the general responsibility for the care, custody and safekeeping of all school property, establishing such procedures and employing such means as may be necessary to discharge this responsibility.

At the building level, the Principal will be responsible for overseeing the school plant and for the proper care of school property by the staff and students.

In the event the District receives money from the state School Building Aid program, the superintendent will develop a 20-year maintenance plan, as required by statute.

**Legal References:**

*RSA 189:15-b            Amount of Grant*

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**BUILDINGS AND GROUNDS SECURITY**

The Board will cooperate closely with local law enforcement and fire departments, and with insurance company inspectors.

Records and funds will be kept in a safe, locked location.

Access to school buildings and grounds outside of regular school hours will be limited to school personnel whose work requires it. An adequate key control system will be established to limit access to buildings to authorized personnel.

School buildings will be closed and locked after the last school activity has concluded each day.

A building being used by an authorized school or community group in the evening, or on non-school days, will be opened for such activity and secured again after its conclusion.

A school district employee must be on school grounds during the course of the activity. Only a school district employee will be allowed to open and close the school in the event of such an activity.

Classroom windows and doors are to be locked when the teachers leaves the building.

In addition to this policy, the Superintendent is charged with establishing further safety and security provisions as may be necessary.

The building principal is responsible for enforcing this policy.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**ACCESS TO BUILDINGS**

Access to school buildings and grounds outside of regular school hours shall be limited to personnel whose work requires it. Keys shall not be loaned to anyone and under no circumstances shall school employees have extra keys made unless specifically authorized to do so by the Superintendent or building principal.

Combinations to school vaults and safes shall be changed each time there are changes in personnel who have had the combinations. All equipment shall be stored in as safe a place as possible and employees must avoid leaving equipment and supplies where they are readily accessible to others.

Classroom windows and doors are to be locked when the teacher leaves the building. Any employee using the building in the evening or on weekends must be certain doors are locked after entering and upon leaving.

No exit doors shall be chained at any time whether or not the building is occupied. Principals, custodians and other responsible persons must be certain that all accessible exits are operable whenever a building or portion of a building is in use. However, approved security bars or devices may be used to secure outside doors when school is not in session.

**Legal References:*****RSA 158:9******Possession of Explosives*****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**VANDALISM**

Vandalism is defined as the willful damaging, destruction or defacing of school-owned property.

This definition also applies to any deliberate tampering with or misuse of district computer network services or equipment. It shall also include the willful damaging, destruction or defacing of property used by the school district in conjunction with related services such as school buses, on field trips, and other school-sponsored events that may occur off-campus. Students found to have vandalized school property will face discipline in accordance with applicable Board policies. The Building Principal is authorized to report such acts of vandalism to local law enforcement authorities. Additionally, the District may seek financial reimbursement from either the student(s) or the students' parent/legal guardians for such damage caused.

If the vandalism is caused by someone other than a student of the District, the District may proceed with all legal remedies available to it under the law, including criminal prosecution. When vandalism is discovered, the administration is directed to take such steps as are necessary to identify the vandals. If students have taken part in vandalism, the Building Principal shall:

1. Identify the students involved;
2. Notify the students' parents/legal guardians;
3. Decide upon disciplinary and/or legal action;
4. Take any constructive actions needed to guard against further student misbehavior; and
5. Seek appropriate restitution.

Students and community members are strongly urged to report incidents of vandalism and to cooperate with school officials in identifying the individuals responsible for causing vandalism.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:





**AUDIO AND VIDEO SURVEILLANCE ON SCHOOL BUSES****General Authorization.**

Video cameras may be used on school buses to monitor student behavior. Audio recordings in conjunction with video recordings may also be captured on school buses, in accordance with the provisions of RSA 570-A:2.

**NOTE CONCERNING AUDIO RECORDINGS:** Recordings that include audio must also comply with the limitations of RSA 570-A:2, II (k)(2), which provides in pertinent part: "In no event, however, shall the recording be retained for longer than 10 school days unless the school district determines that the recording is relevant to a disciplinary proceeding, or a court orders that it be retained for a longer period of time. An audio recording shall only be reviewed if there has been a report of an incident or a complaint relative to conduct on the school bus, and only that portion of the audio recording which is relevant to the incident or complaint shall be reviewed."

**Notification.**

This policy constitutes notification that audio and video recordings may be made on school buses used in the district.<sup>1</sup> See also Board policy JICK - Pupil Safety and Violence Prevention.

The Superintendent or his/her designee shall ensure that there is a sign prominently displayed on the school buses informing the occupants of the school buses that such video and audio recordings are occurring. Notification of such video and audio recordings on the bus will also be included in the Student Parent Handbook as well as the District and school websites.

**Procedures Concerning Usage and Retention of Audio Recordings.**

The Superintendent is charged with establishing additional administrative procedures consistent with this policy to address the length of time which any audio recording is retained, ownership of the recording, limitations on who may view and listen to the recording, and provisions for erasing or destroying the recordings. Video recordings without audio may be used, retained or destroyed as provided in Board policy EEAA.

Recordings may be viewed/heard only by the following persons and only after expressly authorized by the Superintendent:

- Superintendent or designee
- Transportation Coordinator
- Investigators or attorneys retained by district
- Business Administrator
- Building Administrator
- Law Enforcement Officers
- Parent/guardian of any student involved in disciplinary proceedings and present on the recording.

The Superintendent is authorized to consult with the District's attorney relative to the use and retention of an audio and video recording either generally or in reference to a particular occurrence.

**Student Records.**

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of Policy JRA shall apply.

**Legal References:**

***RSA 570-A:2                      Capture of Audio Recordings on School Buses Allowed***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

**AUTHORIZED USE OF SCHOOL-OWNED MATERIALS AND EQUIPMENT**

No school equipment may be used for other than school, school-related, civic, or educational purposes.

The Board shall permit school equipment to be loaned to staff members when such use is related to their employment, and to students when the equipment is to be used in connection with their studies or extracurricular activities. A written agreement should be used, which specifies the borrower's responsibility to return the equipment in the condition in which it was received, and his/her financial responsibility for any loss or damage, which will meet the requirements of all applicable insurance.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**EMPLOYEE USE OF ELECTRONIC COMMUNICATION DEVICES**

The Board recognizes that the use of cellular telephones and other electronic communication devices may be appropriate to help ensure the safety and security of District property, students, staff, and others while on District property or engaged in District-sponsored activities. To this end, the Board authorizes the purchase and employee use of such devices, as deemed appropriate by the Superintendent.

District-owned cellular telephones and other devices will be used for authorized District business purposes, consistent with the District's mission and goals. Personal use of such equipment is prohibited except in emergency situations. Any expenses incurred for such personal use shall be reimbursed to the District.

Use of cellular telephones and other electronic communication devices in violation of Board policies, administrative regulations, and/or state/federal laws will result in discipline up to and including dismissal and referral to law enforcement officials, as appropriate.

The Superintendent is directed to develop administrative regulations for the implementation of this policy, including a uniform and controlled system for identifying employee cell phone needs, monitoring use, and reimbursement. Provisions may also be included for staff use of privately owned cellular telephones and other devices for authorized District business.

District employees are prohibited from using cell phones or other electronic communication devices while driving or otherwise operating District-owned motor vehicles.

**Emergency Use**

Students and staff are encouraged to use any available cellular telephone in the event of an emergency that threatens the safety of students, staff or other individuals.

A school bus driver is prohibited from operating a school bus while using a cellular telephone except:

1. During an emergency situation;
2. To call for assistance if there is a mechanical breakdown or other mechanical problem;
3. When the school bus is parked.

**Use of Personal Cell Phones and Communication Devices**

Employees are strongly discouraged from using their personal cell phone during the school days. When necessary, employees may use their personal cell phones and similar communication devices only during non-instructional time. In no event shall an employee's use of a cell phone interfere with the employee's job obligations and responsibilities. If such use is determined to have interfered with an employee's obligations and responsibilities, the employee may be disciplined in accordance with the terms of the collective bargaining agreement and Board policies.

**Legal References:**

***RSA 265:105-a      Prohibited Text Messages and Device Usage While Operating  
A Motor Vehicle***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

**EMPLOYEE USE OF ELECTRONIC COMMUNICATION DEVICES**  
**– EMPLOYEE USE OF CELLULAR TELEPHONES**

District-owned cellular telephones may be purchased and authorized for staff use in accordance with the following guidelines:

**Cellular Telephone Authorization**

Employees shall make written application to the Superintendent explaining the need for the device and the perceived benefits to the district.

Cellular telephones may be assigned or made available on a temporary basis by the Superintendent when it is determined that:

- The assignment of a cellular telephone to the employee is a prudent use of District resources;
- The employee's job responsibilities require the ability to communicate frequently and access to a District or public telephone is not readily available;
- The employee's job involves situations where immediate communication is necessary to ensure the security of District property or safety of students, staff or others while on District property or engaged in District-sponsored activities.

**Cellular Telephone Use**

Cellular telephones are provided specifically to carry out official District business when other means of communications are not readily available. Cellular telephones may not be used for routine communications.

Cellular telephones are not to be used when a less costly alternative is readily available, unless as otherwise necessary for safety or emergency circumstances.

Personal use of cellular telephones is limited to making or receiving calls for family emergency purposes, including contacting a family member or child care provider to advise that the employee is going to be late arriving home or picking up children for a reason directly related to his/her official District duties, i.e., a meeting which runs later than expected or a last minute schedule change. Whenever possible, such calls should be made or received on District or other public telephones.

Cellular telephones are not to be used for conversations involving District information of a confidential nature.

Cellular telephones are not to be loaned to others.

Employees issued a cellular telephone are responsible for its safekeeping at all times. Defective, lost or stolen cellular telephones are to be reported immediately to the Business Manager who will in turn notify the service provider.

Employees who are issued such devices shall agree not to use hand-held devices while driving a district vehicle. If the district issues hand-held devices, employees may use them in the use is required to deal with an emergency. The district vehicle shall not be moving when emergency use of a hand-held device is required.

Employees may be issued hands-free devices to be used for district business should the need arise. If hands-free devices are issued, employees shall be trained annually in their safe use. Written documentation of the training and employee signatures that they completed the training and understand this policy shall be maintained.

The Board shall receive a detailed monthly billing statement for each device.

Employees who are issued devices shall agree in writing to reimburse the district for any inadvertent or emergency personal use of the device.

Cellular telephones issued for employees are to be returned to the Business Manager at the conclusion of the school year, activity or as otherwise specified.

Failure to follow these rules shall be grounds for employee discipline, up to and including termination.

#### Privately Owned Cellular Telephones

1. District employees may be reimbursed for use of privately owned cellular telephones to conduct District business in accordance with Board policy and this regulation, with prior approval of the Superintendent.
2. Personal use of privately owned cellular telephone authorized to use such equipment for District business is restricted to lunch, breaks or other such times when the employee is not on duty.

#### Reimbursement

On a [monthly] [quarterly] basis all personal call are to be highlighted on the billing statement by the user. [A notation for each highlighted entry indicating the nature of the call is required.]

The cost of all personal calls made/received by a employee are to be totaled and a check written for the amount to the District.

The check, along with the highlighted copies of the monthly billing statement are to be submitted to the Business Manager for review and recommendation for approval.



The check and billing statement are to be forwarded to the Business Manager for review and the check credited to the appropriate account.

Requests for reimbursement for authorized use of employee owned cellular telephones are to be submitted on District provided forms accompanied by a copy of the billing statement with the District business related calls highlighted. A notation for each highlighted entry, indicating the nature of the call is required.

All requests for reimbursement, including the highlighted billing statement must be submitted within thirty (30) days of the end of the time period for which reimbursement is requested. Requests submitted after the reimbursement deadline has passed will be denied.

District reimbursement for authorized use of employee owned cellular telephones will be made in conformance with District payment procedures:

**Legal References:**

***RSA 265:105-a      Prohibited Text Messages and Device Usage While Operating  
A Motor Vehicle***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



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

The District will, make available transportation services to all regular education resident students grades K-12, who live at least 2 miles from their assigned school.

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

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

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

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

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

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

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

**C. Authorized Transportation Providers**

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

All other authorized transportation of students must be in accordance with Policy EEAG.

**D. Student Conduct on School Buses**

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

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

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

**Legal References:**

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

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

**VIDEO AND AUDIO SURVEILLANCE ON SCHOOL PROPERTY**

The Board authorizes the use of video and/or audio devices consistent with applicable law and School Board policies. Notwithstanding other Board policies, the Superintendent is authorized to allow video and/or audio recordings to the extent allowed by applicable law.

**Surveillance.**

Video surveillance is authorized on District property, including, without limitation, school buses and other district provided transportation, to ensure the health, welfare, and safety of all students, staff, and visitors to District property and to safeguard District buildings, grounds, and equipment.

**1. Audio Surveillance.**

**Although video surveillance is permissive, surveillance with audio recording is only permitted on school buses – whether such buses are operated by the District or not - in accordance with RSA 570:A-2, II (k) and Board policy ECAF. Audio recordings are also authorized in classrooms per Section D below.**

**2. Video Surveillance.**

The Superintendent or his/her designee will approve appropriate locations for surveillance cameras. Placement of cameras will be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy in areas or at events that occur in plain view. However, such devices are not to be placed in bathrooms, or dressing or locker rooms.

Signs will be posted on school property to notify students, staff, and visitors that video recording devices may be in use. (More specific notice is required for audio recordings on school buses as provided under Board policy ECAF.) At the Superintendent's discretion, parents and students may also be notified through the Student-Parent Handbook as well as the District and school websites. All persons will be responsible for any violations of school rules recorded by cameras.

The district will retain copies of video recordings until they are erased, which may be accomplished by either deletion or copying over with a new recording.

**A. Video and Audio Recordings Used for Student Discipline Matters.**

Video/audio recordings in District possession, whether or not recorded by District equipment, that contain evidence of a violation of student conduct rules, school board policy, and/or state or federal law, will be retained until the issue of the misconduct is no longer subject to review or appeal, as determined by board policy or applicable law. Any release or viewing of the recording will be in accordance with the law. Notwithstanding this paragraph, use of video/audio surveillance on school buses shall be in accordance with Policy ECAF.

In the event any audio or video recording (from whatever source) is used as part of a student discipline proceeding, such video may become part of a student's education record. If recording does become part of a student's education record, the provisions of Policy JRA shall apply. (In accordance with RSA 570:A-2 and Board policy ECAF, retention and use of audio recordings gathered via bus surveillance have stricter requirements than video only or recordings from non-District sources.)

**B. Video and Audio Recordings Used for Special Education Purposes.**

Video and audio recordings may be used for special education or Section 504 purposes, when a student's individualized education program or accommodation plan includes audio or video recording as part of the child's education. All such recordings will be maintained in accordance with the Family Education Rights and Privacy Act, 20 U.S.C. section 1232g, and other applicable law(s).

**C. Additional Video and Audio Recordings Authorized.**

The school board permits the video and audio recording of the following school-related activities. The following purposes is not intended to be exhaustive and may be expanded or contracted by either administrative determination or school board action.

- Extracurricular/co-curricular activities
- Musical performances, band, concert band, ensemble, orchestra, choir
- Drama activities
- Club events
- Sporting events, including both inter and intra-scholastic
- Other activities such as student senate, yearbook, school pride, ROTC
- Ceremonies, orientation, presentations, school assemblies or meetings, or any school events which occur outside of the physical classroom.

**D. Consultation with Counsel.**

The Superintendent (and other administrators if the Superintendent is unavailable) is specifically authorized to seek and obtain legal advice from the School Board/District's attorney with respect to any new use of surveillance or audio recordings, and/or relative to the use, sharing, ownership, retention and/or destruction of video or audio recordings.

**Legal References:**

<i><b>RSA 189:65</b></i>	<i><b>Definitions</b></i>
<i><b>RSA 189:68</b></i>	<i><b>Student Privacy</b></i>
<i><b>RSA 570-A:2</b></i>	<i><b>Capture of Audio Recordings on School Buses Allowed</b></i>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

**ESTABLISHMENT OF SCHOOL BUS ROUTES****A. General Policy.**

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

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

Authorized bus stops shall be located at convenient intervals in places where students can be loaded or unloaded, cross highways and await arrival of buses with the utmost safety permitted based upon highway conditions, terrain, and visibility. Bus stops will be situated so that no student is required to walk more than 1 mile to reach a stop. Per RSA 189:8, the maximum distance to stops can be extended to 1 ½ miles for students residing in areas which are inaccessible by the District's established mode of transportation, provided that the vehicle, route and schedule have been approved by the commissioner of education. The number of bus stops on each trip shall be limited, consistent with the policy, so as to enable buses to maintain a reasonable timetable and schedule.

**B. Process for Establishing Bus Routes and Stops.**

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

**C. Parent/Guardian Requests for Route Changes.**

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

**Legal References:**

<i>RSA 189:6</i>	<i>Transportation of Pupils</i>
<i>RSA 189:8</i>	<i>Limitations and Additions</i>
<i>RSA 189:9</i>	<i>Pupils in Private Schools</i>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**SCHOOL BUS SAFETY PROGRAM**

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

1. The Transportation Coordinator will assure that students using District transportation are provided annual instruction as to the proper procedure for boarding and exiting from a school bus, and in proper and safe conduct while aboard. See School Bus Conduct Rules at JICC-R. Additionally, the Transportation Coordinator will assure that emergency evacuation drills from school buses will be conducted at least two times a year to acquaint student riders with procedures in emergency situations (See RSA 189:6-a, I & II). Additionally, the Transportation Coordinator, is encouraged to establish guidelines for families relative to safe practices for students in between home and bus stops.<sup>1</sup>
2. All vehicles used to transport children will be inspected on a regular schedule to see that they meet applicable safety regulations.
3. All drivers, whether employed by the District or a contracted vendor, and whether certified school bus drivers or contracted carriers under RSA 376:2, VII, will be screened before employment for physical condition, proper license, criminal records background check (per Board policy GBCD), and experience. The prior driving record of each driver will be checked for drug and alcohol or other convictions and a criminal records check must also be completed. All checks and screenings will be conducted in accordance with Board policy EEAEA.
4. To help ensure the health, welfare, and safety of students, passengers and others relative to District provided transportation, the School Board has authorized use of video and/or audio surveillance on school buses. Conducting such surveillance, and the use of any subsequent recordings in student disciplinary proceedings, will be in accordance with Board Policy ECAF.
5. The School District or independent contractor will comply with all state and federal laws and regulations pertaining to the operation of school buses and will make these requirements known to bus drivers. It will also cooperate with local safety officials in formulating and accomplishing its school bus safety program.

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

**Legal References:**

<b><i>RSA 189:13-b</i></b>	<b><i>School Bus Driver &amp; Transportation Monitor Criminal History Records Check</i></b>
<b><i>RSA 189:6-a</i></b>	<b><i>School Bus Safety</i></b>
<b><i>RSA 189:9-a</i></b>	<b><i>Pupils Prohibited for Disciplinary Reasons</i></b>
<b><i>RSA 376:2, VII</i></b>	<b><i>Motor Carriage of Passengers</i></b>
<b><i>RSA 570-A:2</i></b>	<b><i>Capture of Audio Recordings on School Buses Allowed</i></b>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

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

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

1. Riding the school bus is a privilege. This privilege may be temporarily suspended or permanently revoked if a student's misconduct violates School Bus Conduct Rules, jeopardizes the safe operations of the school bus or the safety of the children riding this bus. See Board policies EEA and JICC, and District regulations JICC-R.
2. Parents/guardians are responsible for the safety of their children from the time they leave home in the morning until the time they board the school bus; and at the end of the school day from the time the school bus departs the loading/unloading area and the children reach home. Once the child enters the school bus, the authority lies with the bus driver and the school.
3. Students should leave home early enough so that they arrive at the designated school bus stop point five (5) minutes before the scheduled arrival time of the school bus.
4. Parents/guardians should be aware of their responsibility not only for their child's behavior while on the school bus, but also their responsibility for damage caused by their child(ren) to the property of others, including the school bus. When a child walks to and from the bus stop, and while he/she waits at the school bus stop, and when he/she walks home from the school bus stop at the end of the school day, he/she must show consideration and respect for the property of those citizens whose homes and places of business are located along these routes.
5. Parents/guardians, together with the child, should develop a route to and from the school bus stop, or school, which minimizes the exposure of the child to vehicular traffic. Shortcuts through isolated fields and woods or across streams or railroad tracks can often be dangerous. Entering of abandoned houses or deserted buildings by children on their way to or from school should not be condoned. The route should be direct and uninterrupted.
6. Parents/guardians should walk with younger children to and from the school bus stop, using this opportunity to teach the child(ren) proper pedestrian practice. If the parents/guardians cannot accompany their child(ren), arrangements should be made, if possible, for older children (brother, sister, or neighbor) to escort the younger children to and from the school bus stop or school.
7. Parents/guardians should develop in their child(ren) an awareness of the molestation (personal harassment) problem. Encourage children not to accept candy, soft drinks, money, toys or rides from strangers or to associate with anyone they do not know. If your child is confronted with these problems on his/her way to or from school, he/she

should tell you or his/her teacher as soon as possible. This is a situation that should be referred to the police.

8. Parents/guardians should realize that weather determines how a child is to be dressed. Encourage your child to wear the type clothing that will not only keep him/her warm and enable him/her to see where he/she is going, but also permit him/her to be seen. If the child(ren) cannot be seen by the drivers of vehicles, they are in danger. For example, white clothing is difficult to see in snow, but makes one clearly visible at night. If the weather is inclement, the child should be dressed for the occasion and leave a few minutes earlier than his/her normal starting time in order to reach the school bus stop or school safely and on time.
9. In inclement weather announcements regarding the closing of schools or school or delayed opening begin at approximately 6:00 a.m. During severe weather conditions, pertinent information concerning the transportation program will be announced on the radio.
10. The application of common sense is the best method of determining the role of the parents/guardians regarding the safety of children traveling to and from school, either as a passenger on a school bus or as a pedestrian.

**Legal References:**

<b><i>RSA 189:13-b</i></b>	<b><i>School Bus Driver &amp; Transportation Monitor Criminal History Records Check</i></b>
<b><i>RSA 189:6-a</i></b>	<b><i>School Bus Safety</i></b>
<b><i>RSA 189:9-a</i></b>	<b><i>Pupils Prohibited for Disciplinary Reasons</i></b>
<b><i>RSA 376:2, VII</i></b>	<b><i>Motor Carriage of Passengers</i></b>
<b><i>RSA 570-A:2</i></b>	<b><i>Capture of Audio Recordings on School Buses Allowed</i></b>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

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

**1. Statement of Policy**

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

This policy applies to two categories of drivers:

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

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

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

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

In accordance with RSA 200:37, before employing any person as a school bus driver, directly or through a vendor, the District shall require that such persons submit a certificate signed by a licensed physician setting forth the physician’s findings as a result of the examination to determine the physical condition of drivers in accordance with the requirements of 49 C.F.R. Part 391.41-391.49. Such certificate shall be submitted to the District prior to the commencement of such employment and the District shall retain a copy of such certification. Every 2 years thereafter, either prior to the commencement of the school year or prior to the reemployment of such persons as a school bus driver, the School District shall require submission of a like certificate, except that school bus operators attaining the age of 70 shall be required to undergo an annual examination and to submit a certificate annually. *This provision does not apply to contracted carriers.*

**3. Certification**

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

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

**4. Criminal Background Investigation**

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

**5. Mandatory Drug and Alcohol Testing**

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

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

If the School District employs the transportation personnel directly, the District will be responsible for ensuring compliance with the Mandatory Drug and Alcohol Testing requirements. If the School District contracts with a vendor to provide student transportation services, the vendor shall be the employer and provide assurance to the District on an annual basis that they are in compliance with the Mandatory Drug and Alcohol Testing requirements.

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

**Legal References:**

<b><i>RSA 189:13-b</i></b>	<b><i>School Bus Driver &amp; Transportation Monitor Criminal History Records Check</i></b>
<b><i>RSA 200:37</i></b>	<b><i>Medical Examination of School Bus Operators</i></b>
<b><i>RSA 263:39</i></b>	<b><i>School Bus Driver's Certificate</i></b>
<b><i>RSA 376:2, VII</i></b>	<b><i>Motor Carriage of Passengers</i></b>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:





**MANDATORY DRUG AND ALCOHOL TESTING**  
**SCHOOL BUS DRIVERS AND CONTRACTED CARRIERS**  
**DRUG AND ALCOHOL TESTING FOR SCHOOL BUS**  
**AND COMMERCIAL BUS DRIVERS**

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

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

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

**Drug and Alcohol Clearinghouse.**

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

1. Establish a user account that will enable appropriate personnel to access the clearinghouse database.
2. Report information related to drug and alcohol program violations into the database, as required by the federal regulations.
3. Query the database as part of their obligation to identify prospective drivers who have committed drug and alcohol program violations and who are not legally permitted to operate or perform other “safety-sensitive functions” related to school buses or other commercial motor vehicles.
4. Query the database at least annually for every CDL driver that is currently subject to the employer’s DOT testing program.

**Pre-Employment Tests**

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

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

and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

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

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

### **Post-Accident Tests**

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

- who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
- who receives a citation under state or local law, for a moving traffic violation arising from the accident.

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

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

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

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

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

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

**Reasonable Suspicion Tests**

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

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

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

**Enforcement**

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

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

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

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

**Return-to-Duty Tests**

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

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

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

### **Follow-Up Tests**

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

### **Records**

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

### **Notifications**

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

1. the person designated by the District to answer driver questions about the materials;
2. the categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the workday the driver is required to comply with Part 382;
4. specific information concerning driver conduct that is prohibited by Part 382;
5. the circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. the procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and

ensure that test results are attributed to the correct driver;

7. the requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. an explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. the consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
11. information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the drivers or a coworkers); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

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

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

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

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

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

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

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

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

**Legal References:**

<b><i>RSA 189:13-b</i></b>	<b><i>School Bus Driver &amp; Transportation Monitor Criminal History Records Check</i></b>
<b><i>RSA 200:37</i></b>	<b><i>Medical Examination of School Bus Operators</i></b>
<b><i>RSA 263:39</i></b>	<b><i>School Bus Driver's Certificate</i></b>
<b><i>RSA 376:2, VII</i></b>	<b><i>Motor Carriage of Passengers</i></b>

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

**SPECIAL USE OF SCHOOL BUSES**

School bus and commercial vehicle drivers shall be subject to a drug School bus services may be used for student field trips and school activity purposes. However, such use must necessarily be limited. School buses must be used, first, for regular school transportation.

The administration will develop and the Board will approve specific regulations relating to the use of buses for field trip purposes. The Superintendent, will be granted authority to approve the use of school buses for specific trips, within the above guidelines and subject to the Board approval.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:





**USE OF PRIVATE VEHICLES TO TRANSPORT STUDENTS**

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

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

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

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

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

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

**Legal References:**

*RSA 376:2, VII      Motor Carriage of Passengers*

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**USE OF PRIVATE VEHICLES TO TRANSPORT STUDENTS**  
**STATEMENT OF INSURANCE ON PRIVATE VEHICLES**

School Year \_\_\_\_\_

School \_\_\_\_\_

Date \_\_\_\_\_

The School Board requires proof of insurance coverage in force on all private vehicles used for the transportation for all school-sponsored activities. The groups that may be transported include, but are not limited to, students, coaches, sponsors, faculty, and chaperones.

This form is to be completed for each private vehicle used for the transportation of school sponsored groups. It is valid for the school year in which it is filed. If the insurance policy expires or is cancelled during the school year, a new statement must be submitted.

**DRIVER INFORMATION**

Driver's Name \_\_\_\_\_

Age \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

New Hampshire Driver's License:

Type: \_\_\_\_\_ Number: \_\_\_\_\_

**VEHICLE INFORMATION**

Vehicle Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

Inspection Expiration Date: \_\_\_\_\_

License Tag \_\_\_\_\_

**INSURANCE INFORMATION**

Name of Insured(s) \_\_\_\_\_

Policy Number \_\_\_\_\_

Insurance Company \_\_\_\_\_

Policy period: From \_\_\_\_\_ To \_\_\_\_\_

This policy provides the following recommended limits of liability coverage for private passenger cars and qualified multipurpose passenger vehicles (MPV) being used to transport students on field trips and other activities:

- Combined Single Limit (CSL) or
- Bodily Injury Limit--per person/per accident.

☐ Yes☐ No

Insurance Agent \_\_\_\_\_

Address \_\_\_\_\_ Telephone \_\_\_\_\_

I certify that insurance policies, subject to their terms, conditions, and exclusions are at present in force with the company indicated and that the information above is correct.

-----  
Signature of Owner/Insured

-----  
Date

This information above has been verified.

-----  
Signature of Principal or Designee

-----  
Date

**Legal References:**

***RSA 376:2, VII      Motor Carriage of Passengers***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

**FOOD SERVICE MANAGEMENT**

All food service personnel will be directly responsible to the Food Service Manager and ultimately responsible to the building principal, Superintendent, or designee.

The Food Service Manager is responsible for the planning and preparation of food served in the food service program, ensuring full compliance with the State of New Hampshire's education rules and regulations. All food will comply with the nutrition standards as set forth by the school wellness program.

The Food Service Manager will order supplies, keep accurate records of financial transactions connected with the food service program, and prepare all records and reports as required.

The Food Service Manager will be certified by a NH Department of Education approved program.

All food service employees shall, within their first year of employment, obtain a certificate of completion for an approved sanitation course.

The Food Service Manager will make recommendations to the building principal, the Superintendent, or designee concerning personnel and operational matters related to the food service program.

The District will seek to ensure that all students have access to school-provided meals. The Superintendent or designee will develop meal-payment procedures for school-provided meals. No student will be subject to different treatment from the standard school lunch meal or school cafeteria procedures, regardless of ability to pay for such meal.

**Legal References:**

***RSA 189:11-a            Food and Nutrition Programs***

**Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:



**AVAILABILITY AND DISTRIBUTION OF HEALTHY FOODS**

The School District will support the availability and distribution of healthy foods and beverages in all school buildings during the school day.

The Superintendent or his/her designee is responsible for ensuring that all foods and beverages distributed within the district meet nutritional standards established by state and federal law relative to: (1) nutrient density; (2) portion size; and (3) nutrition targets, as defined in pertinent law.

The Superintendent or his/her designee is responsible for implementing developmentally appropriate opportunities to learn food preparation skills that support nationally recognized research-based nutrition standards. The Superintendent or his/her designee is responsible for providing annual communication information about the policy and procedure and related curricula to the school community.

**Legal References:****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:





**MEAL CHARGING**

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

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

**Student Meal Accounts**

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

Funds may be deposited into a student lunch account by cash, check, or on-line payment. Cash or checks made out to: \_\_\_\_\_ should be presented to the (fill in where funds to be deposited into the student lunch account should be delivered: Cashier at the cafeteria, the Principal's Office, the Food Service Office). A check may also be mailed to: \_\_\_\_\_. The District utilizes the services of (fill in name of on-line payment system vendor with URL: Myschoolbucks.com, paypams.com, MyPaymentsPlus.com, MealMagic.com, etc.). The use of checks or on-line payments is encouraged, as each provides a record. Parents are responsible for any fees charged by the on-line service. In accordance with United States Department of Agriculture ("USDA") guidance SP 02-2015, there will be no processing fee for deposits to a student meal account made by cash or check.

Bank fees incurred on any check returned for insufficient funds will be charged to the parent. (Alternatively: A fee of \$\_\_\_\_ will be charged to the parents for each check returned for insufficient funds. The fee may not exceed \$25.00, RSA 358-C:5, I.) In accordance with RSA 358-C:5, notice of the fee charged for a check that is returned for insufficient funds shall be included in any letter sent to a Parent seeking payment because the student meal account has a negative balance.

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

**Parental Restrictions on Use of Student Meal Account**

Parents who establish a meal account for their student are responsible for establishing with their student any restrictions the parent chooses to place on use of the account. Unless restricted by the parent, a student may purchase a la carte items in addition to the regular meal choices. Some students purchase more than one meal at one sitting. (After school snacks may be purchased.) Setting and ensuring compliance with limitations on the use of the student's meal account afford families an opportunity to develop their student's understanding of the responsible use of credit and debit accounts, which will benefit the student throughout life. Parents must monitor the student's use of the meal account to ensure that a sufficient balance is available at all times for their student to charge meals. (The District's on-line payment system allows a parent to check their students balance at any time.)

The District's policy is to ensure that students have access to healthy meals and that no student will be subject to different treatment from the standard school meal or school cafeteria procedures. Therefore, the District will allow students to purchase a meal, even if the student's meal account has insufficient funds. This policy applies to all meal offerings generally available at the cafeteria, breakfast, lunch, and after school snacks.

**Balance Statements**

The District will work proactively with parents to maintain a positive balance in their student's meal account. The Superintendent shall establish a procedure at each school requiring that a low balance statement be sent to parents whenever the balance in a student's meal account falls to or below a set amount that approximates the amount typically necessary to pay for one week of meals.

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

Notice prior to the account reaching zero is intended to reinforce the requirement that a positive balance be maintained in the student meal account. If a student meal account falls into debt, the initial focus will be on resuming payments for meals being consumed to stop the growth of the debt. The secondary focus will be on restoring the account to routinely having a positive balance.

The District recognizes that unexpected financial hardships occur and will work with parents in this circumstance to limit the amount of accumulated debt. To do so, it is essential that parents respond to notices and cooperate with district staff efforts. Fairness and equal treatment requires that those able to pay, but who fall behind, must promptly bring their students meal account into a positive balance.

The District's proactive approach is intended to help ensure students have healthy meals and that parents do not accumulate significant debt to the school meal program.

**Free or Reduced Price Meals**

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

Parents shall be provided with a copy of this policy and an application for free or reduced cost meals annually at the start of the school year through a mailing or in the parents' handbook, upon enrollment of a transfer student during the school year, and as a component of all notices sent to parents seeking payment to correct a negative balance in the student meal account. The communication explaining the availability of the free or reduced price meals shall include all the elements required by federal regulation, 7 C.F.R. 245.5. Each notice shall also identify a member of the District staff, with contact information, who is available to answer questions or assist the parents with applying for free or reduced price meals.

As required by the Civil Rights Act of 1964 and USDA guidance, parents with Limited English Proficiency ("LEP") will be provided with information on this policy and the free and reduced price meal program in a language the parents can understand. The District will utilize USDA and community resources to fulfill this requirement. This policy and links to application materials for the free or reduced price meal program will be posted on the school web site and made available to parents at each school.

The District will proactively enroll students found to be categorically eligible into the free or reduced price meal program. The District will seek to enroll eligible students in the free or reduced price meal program upon learning from any source of the student's potential eligibility. When eligibility is established, the District will apply the earliest effective date permitted by federal and state law.

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

(This section applies for districts that choose to allow a student with a zero balance to charge meals. A District may have a policy that charging meals is not permitted. A policy prohibiting meal charges may be more appropriate if applied only to older students.)

**Students Without Cash in Hand or A Positive Account Balance**

Regardless of whether a student has money to pay for a meal or has a negative balance in the student meal account, a student requesting a meal shall be provided with a meal from among the choices available to all students. The only exception will be where the student's parents have provided the District with specific written direction that the student not be provided with a school lunch program meal, the student has a meal sent from home, or otherwise has access to an

appropriate meal. Under no circumstances will a student's selected meal be thrown away because of the status of the student's meal account.

It is the parents' responsibility to provide their student with a meal from home or to pay for school prepared meals. Therefore, the District's policy is to direct communications to parents about student meal debt. When parents chose to provide meals sent from home, it is the parents' responsibility to explain to their student the necessity of the student not using the school meal program.

Initial efforts to contact parents will be by e-mail or phone, however if those efforts are unsuccessful, letters to parents may be sent home in sealed envelopes with the student. Where the District has not received a response from the parents or the parents do not cooperate in resolving negative student meal account balances and the student continues to use the school meal program, for students in grade seven or higher, the principal or designee may communicate directly with the student in a manner that is private and which does not publicly identify or stigmatize the student. Resolution of the problem should seek to ensure the student has ongoing access to an appropriate meal.

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

If the student's meal account balance debt grows to \$15.00 or more a letter demanding immediate payment shall be sent by US Mail to the parent or the parent shall be contacted by the Principal or designee by phone or in person. Where warranted, the Principal may arrange a payment schedule to address current meal consumption and arrearages while the school continues to provide the student with meals.

If the student's meal account debt grows to \$30.00 or more the parents will be requested to meet with the principal. When appropriate, the Principal should explore with the parents whether an application for free or reduced cost meals is warranted. Where extenuating circumstances of financial hardship exist and the family is not eligible for free or reduced cost meals, the District will work with the parents to identify and engage governmental and private charitable resources which are available to assist the family.

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

### **Unresolved Debt**

If the Principal determines that the best available information is that the parents are able to pay the expenses of the student's meals and the parents decline to cooperate with resolving the debt in a timely manner, the Principal shall send a letter to the parents directing them to have their student bring meals from home and cease utilizing the school meal program. The student may resume using the school meal program when a positive account balance is restored in the student's meal account.

If the student continues to use the school meal program, a second letter shall be sent to the parents using certified mail, return receipt requested.

If parents continue to fail to provide the student with a meal sent from home, continue to fail to provide funds for their student to use the school lunch program, continue to refuse to cooperate with reasonable requests by District staff to address the overdue debt, and the parent is believed to have the ability to pay, the Superintendent may pursue payment through civil legal action, including filing a claim in small claims court pursuant to RSA Chapter 503. The Superintendent is delegated authority to assess the likelihood that civil action will lead to payment, the resources required to pursue collection, and to pursue such action only when doing so is in the best interest of the District.

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

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

### **Staff Enforcement of Policy/Training**

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

### **Student with Special Dietary Needs**

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

To request meal accommodations for students whose dietary needs qualify them for accommodation under law or to file a school meal program complaint with the District, contact \_\_\_\_\_ at phone number \_\_\_\_ - \_\_\_\_.

To file a program complaint of discrimination with the USDA, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at:

[http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This District is an equal opportunity provider.

**Nondiscrimination**

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

**Assessment for Neglect Reporting**

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

**Alternative Meals**

(Optional - for use in Districts which choose to provide only an "alternative" meal to students whose meal account has a negative balance/when the negative balance exceeds \$ \_\_\_.00, or who choose to prohibit such students from charging a la carte or extra items.)

If a student's meal account has a negative balance of \$ \_\_\_.00 or more the student will be allowed to charge only an alternative meal. In accordance with state law, the alternative meal will be one of the meal choices generally available to all students, but which has the lowest cost to the lunch program to produce. The purpose of limiting students with negative balance meal accounts to the alternative meal is to mitigate the losses to the District from providing uncompensated meals, while ensuring that the student has access to a healthy meal. These students will also not be allowed to charge a la carte or extra items. It is the parents' responsibility to explain to the student that only alternative meals may be charged. A notice which directs the parent to have their student select only the alternative meal and not to charge a la carte or extra items, until the student's meal account is brought into positive balance, will be

included with the communication demanding payment of the negative balance. The notice will include the information necessary for the parent to explain to the student how to select the alternative meal. For students in grade \_\_ (at least grade seven) and above, if the student continues to select other meal choices, the student may be spoken with privately and advised that in accordance with the notice provided to the parents, the student may only select the alternative meal and may not charge a la carte or extra items until the meal account is brought into a positive balance.

**Legal References:*****USDA Guidance SP37-2016******USDA SP 46-2016******RSA 189:11-a******RSA 358-C******Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Menu Program******No later than July 1, 2017, all SFA's operating the Federal school meal program are required to have a written meal charge policy******Food and Nutrition Programs******New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act: NH Dept. of Education  
Technical Advisory – Food and Nutrition Programs*****Policy Adoption & Revision History:**

Policy Committee Review:

First Reading:

Second Reading:

Final Approval:

