

**Monadnock Regional School District & SAU #93  
School Board & Budget Committee Joint Agenda**

**June 26, 2024**

**In-Person MRMHS Library 7:00 pm**

**[Zoom](#)**

**Meeting ID: 85435013619 Passcode: 129639 Phone:(US) +1 564-217-2000**

The public is encouraged to attend MRSD Board meetings.

Comments are welcome during the 'Public Comments' portions of the agenda.

***"We collaborate not just to teach, but also to engage and educate every student in our district in an environment that is challenging, caring, and safe, while fostering lifelong learning."***

1. CALL THE MEETING TO ORDER 7:00
2. PUBLIC COMMENTS (15 minutes)
3. #celebrateMRSD
  - a. Graduation
  - b. Night School Graduation
  - c. Mt. Caesar Ground-Breaking Ceremony
4. MATTERS FOR INFORMATION & DISCUSSION
  - a. Deliver Instructional Plan to Board
  - b. NHSBA Call for Resolutions
  - c. Policy Committee Annual Review
  - d. Policies 1st Read
    - i. JICD: Student Discipline & Due Process
    - ii. JICG, ADC, GBED: Prohibitions Regarding Use & Possession of Tobacco Products
    - iii. JKAA: Use of Restraints & Seclusion
    - iv. IHBA: Programs for Pupils w/Disabilities
    - v. IHBA-R: Procedural Safeguards for Children w/Disabilities
    - vi. GBCD-R-RD: Professional/Staff Positions (Criminal Records)
    - vii. JJJ-Access to Public School Programs by Nonpublic, Charter & Home-Educated
    - viii. JLCJ - Concussions and Head Injuries
    - ix. AC- Non-Discrimination, Equal Opportunity Employment & District Anti-Discrimination
    - x. ACE- Procedural Safeguards: Non-Discrimination on the Basis of Handicap/Disability
    - xi. ACF- Food Nutrition Services: Non-Discrimination & Civil Rights Complaints
    - xii. ADB/GBEC - Drug-Free Workplace & Drug-Free Schools
    - xiii. DAFB - Equivalence in Instructional Staff & Materials
  - e. Standing agenda: Student Government Report
  - f. Standing agenda: Board Meeting Calendar & Goals Update
5. MATTERS THAT REQUIRE BOARD ACTION
  - a. \* Capital Improvement Plan for MRMHS (Motion from Finance)
  - b. \* Multi-Age Classroom Study
  - c. \* Superintendent Goals for 2024/25
  - d. \* Motion to empower the Superintendent to Hire
  - e. \* Motion to approve Data Governance Plan
  - f. \* Motions to encumber funds, if any
  - g. \* Manifest signatures during Summer Approve the Consent Agenda
    - i. May 21st, 2024 Minutes
    - ii. June 4th, 2024 Minutes
    - iii. Manifest
    - iv. Budget Transfer(s), if any
6. SETTING NEXT MEETING'S AGENDA
7. PUBLIC COMMENTS (15 minutes)
8. NON-PUBLIC SESSIONS under RSA 91-A:3. II
  - a. Additional non-public sessions, TBD as required
  - b. RSA 91-A:3. II (b) - Hiring
  - c. RSA 91-A:3. II (a) - Unaffiliated Compensation
9. ADJOURNMENT

*\*Indicates an item requiring action. The order of the agenda is subject to change.*

## SINGLE DISTRICT SCHOOL ADMINISTRATIVE UNITS

**RSA 94-C:3** – Single District School Administrative Units; Exemption. Single district school administrative units shall be considered the same as a single school district and shall be exempt from meeting the requirements of this chapter, except that they shall provide superintendent services pursuant to RSA 194-C:4

## NONPUBLIC SESSIONS

**RSA 91-A:3– II.** Only the following matters shall be considered or acted upon in nonpublic 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 or 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 adversely affect 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 real or personal property** which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
- (e) **Consideration or negotiation of pending claims or litigation** which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, 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.
- (j) **Consideration of confidential, commercial, or financial information** that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.
- (k) Consideration by a school board of entering into a **student or pupil tuition contract** authorized by RSA 194 or RSA 195-A,
- (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.

## CALENDAR OF UPCOMING MRSD MEETINGS:

6/25/2024	Finance & Facilities Committee	5:30 pm	SAU Conference Room
6/25/2024	Budget Committee	7:00 pm	MRMHS Library
6/26/2024	Education Committee	6:00 pm	SAU Conference Room
6/26/2024	MRSD/SAU 93 School Board	7:00 pm	MRMHS Library
7/2/2024	Community Relations Committee	6:30 pm	SAU Conference Room
7/9/2024	Policy Committee	7:00 pm	SAU Conference Room
7/10/2024	Finance & Facilities	6:30 pm	SAU Conference Room
7/16/2024	MRSD/SAU 93 School Board	7:00 pm	MRMHS Library
7/23/2024	Budget Committee	7:00 pm	MRMHS Library

Meetings will be in person for all Board & Committee Members. The public is encouraged & welcome to attend either in person or through Zoom. Public comments are welcome in person during the ‘Public Comments’ portions of the agenda.

**\*\* Please note: All Committee Meeting dates, times, and locations are posted in the SAU 93 Reception Lobby, on the MRSD website calendar, and in the schools and towns of MRSD. In the event of a snow day, the school board meeting will be planned for the following school day.\*\***

## Policy Motions and Actions from May 14, 2024

### JICD- Student Discipline and Due Process

**MOTION:** *To update policy JICD with NHSBA sample policy.*

- Policy required by law
  - Committee edits
  - NHSBA note: NHSBA revised sample JICD to reflect 2023 amendments to Department of Education rule Ed 317. Specifically, NHSBA changed section and paragraph references and removed former footnote 4. Revision note for September 2021 was corrected, as the original entry misstated the applicable statute.
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### JICG/ADC/GBED- Prohibitions Regarding Use and Possession of Tobacco Products, E-Cigarettes and ELiquids in and on School Facilities and Grounds

**MOTION:** *To update policies JICG/ADC/GBED (tri-coded policy- same in each book) with NHSBA sample.*

- Policies required by law
  - NHSBA note: add specific language to now D.2 from RSA 126-K:8, I(a) relative to prohibition against providing tobacco products, etc. to persons under 21
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### JKAA- Use of Restraints and Seclusion

**MOTION:** *To update policy JKAA with NHSBA sample policy and committee edits.*

- Policy required by law
- Slight committee edits
- NHSBA note: NHSBA revised sample JKAA to reflect in Endnote ii that the NH DOE report form was made available in late January. DOE form and Technical Advisory are available through live links in the "see more" section in the heading for this sample JKAA.

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## **IHBA- Programs for Pupils with Disabilities**

**MOTION:** *To update policy IHBA with NHSBA sample policy.*

- Policy required by law
- NHSBA note: NHSBA revised sample IHBA to include more specific information relative to both the IDEA and Section 504 of the Rehabilitation Act of 1973.

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## **IHBA-R – Programs for Pupils with Disabilities - Section 504 - Notice of Parent & Student Rights**

**MOTION:** *To update policy IHBA-R with NHSBA sample policy and committee edits.*

- Policy required by law
- Slight committee edits
- NHSBA note: NHSBA revised sample IHBA-R to replace former language relative to New Hampshire Special Education Procedural Safeguards (which was moved concurrently to policy IHBA), with a notice of rights relative to Section 504. Retitled the sample to reflect the changes.

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## **GBCD-R-RG(1) – Criminal History Records Information Internal Controls and Procedures**

**MOTION:** *To adopt policy GBCD-R-RG(1) with NHSBA sample policy.*

- Policy required by law
- NHSBA note: NHSBA created this new procedural document sample GBCD-R-RG(1) to provide guidance on complying with FBI and Department of Safety regulations relative to protection of criminal history records. The policy was largely based off information in the FBI's CJIS Security Policy and the New Hampshire Department of Safety's CHRI Proper Access, Use and Dissemination Procedures. Note that this sample is wholly dependent on regulations and guidelines of the FBI and the New Hampshire Department of Safety, and therefore, any modifications should first be reviewed with the Department of Safety.

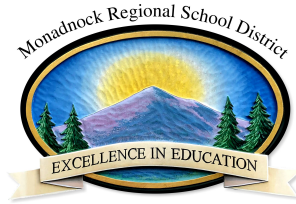
- THIS SAMPLE DOES NOT REQUIRE SCHOOL BOARD APPROVAL- however traditionally the board has give approval in similar cases so it is brought before the board now
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## **Committee Work not requiring Board Approval**

### **JI- Student Rights and Responsibilities**

**MOTION:** *To update policy JI with clerical edits.*

- Replace reference to policy JIA with JIC as JIA has been previously withdrawn
  - Not to full board since this is not a substantive change
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Book	J: Students
Section	Series J
Title	Student Discipline and Due Process
Code	JICD
Status	Active
Adopted	May 1, 1993
Last Revised	November 2, 2021

## **STUDENT DISCIPLINE AND DUE PROCESS**

### **A. Policy Statement.**

This policy establishes the substantive parameters, procedures, and due process that shall apply before a student may be subject to temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions, and/or expulsion. Pursuant to Board policy JIC response to misconduct, including disciplinary measures and consequences should be designed to maximize student academic, emotional, and social success, while at the same time assuring the safety of all students, staff, and school visitors. Administration of any of the consequences described in this policy shall be consistent with the system of supports and graduated sanctions established pursuant to Policy JIC and the applicable Code of Conduct

### **B. Standards and Procedures Relative to Disciplinary Consequences.**

**1. "Removal from the classroom"** means a student is sent to the building Principal's office or other designated area during the same school day. It is within the discretion of the person in charge of the classroom or activity to remove the student.

Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school or District rules, or the Code of conduct, or otherwise impedes the educational purpose of the class. Before ordering the removal, the staff member ordering the removal shall warn the student of the infraction and allow the student to respond.

Detentions are not appealable.

**2. "Restriction from school activities"** means a student will attend school, classes, but will not participate in other school extracurricular activities, including such things as competitions, field trips, and performances. A student who has been restricted from school activities may participate in practices at the discretion of the person imposing the restriction.

Before ordering the restriction, the supervising employee (e.g., teacher, coach, director, Principal, etc.) ordering the restriction shall warn the student of the infraction and allow the student to respond. If the restriction is immediate and outside of school hours, provision must be made to assure the student is not left unsupervised. The terms of the restriction shall be communicated to the Principal and the student's parent/guardian.

Restrictions under this policy are not appealable.

**3. "Detention"** means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class and may occur on one or more Saturdays.

Students may be assigned classroom detention at the classroom teacher's discretion, and building detention at the Principal's discretion, if the student refuses to obey the teacher/employee's directives, becomes disruptive, fails to abide by printed classroom, school, or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the detention, the staff member ordering the detention shall warn the student of the infraction and allow the student to respond. Parents/guardians shall be notified at least 24 hours prior to a student serving detention.

Detentions before or after school shall not exceed one hour, and Saturday detentions shall not exceed three hours. The building Principal is authorized to establish, announce and post additional guidelines and rules regarding detention, supervision, building access, etc. The length and timing of the detention is within the discretion of the licensed employee disciplining the student or the building Principal, pursuant to the posted rules of the school.

Detentions are not appealable.

**4. "Temporary Reassignment"** or "in-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. A temporary reassignment should not exceed five consecutive school days. Parents/guardians shall be notified at least 24 hours prior to the administration of a temporary reassignment.

The building Principal is authorized to issue reassignment, restrictions from activities, or place a student on probation for repeated failure to conform to the Code of Conduct, classroom rules, or for any conduct that causes material or substantial disruption to the school/class environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, and visitors is otherwise inappropriate or is prohibited by law.

**5. "Probation"** means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in reinstatement of the penalty. Notwithstanding the assignment of probation, no imposition of the suspended consequence may be administered unless and until all of the provisions of this policy applicable to the suspended consequence (i.e., long-term suspension, expulsion, etc.) are satisfied.

**6. "Out-of-school suspension"** means the temporary denial of a student's attendance at school for a specific period of time. It includes short-term and long-term out-of-school suspensions.

**a. Short-term suspension.** A "short-term suspension" means an out-of-school suspension of ten (10) consecutive school days or less. RSA 193:13, I (a).

The Superintendent or his/her written designee is authorized to suspend a student for ten (10) school days or less.

A Short term suspension may be imposed only for:

- i. Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel (including, but not limited to, and the act of theft, destruction or violence, as defined in RSA 193-D:1); or
- ii. Repeated and willful disregard of the reasonable rules of the school that is not remediated through the imposition of the district's graduated sanctions described in JIC and the Code of Conduct.

Pursuant to RSA 193:13, XI(b), and Board policy JIC, a short suspension over 5 days must conform to the standards included in the Code of Conduct.

Before any short-term suspension may be imposed, a student is entitled to the minimum due process (notice before meeting of the charge and explanation of evidence, notice of the possibility of suspension, opportunity for the student to respond, and a written decision explaining the disciplinary taken). See New Hampshire Department of Education Rule Ed 317.04(f)(1).

**b. Long-term suspension.** A "long-term suspension" is the extension or continuation of a short-term suspension for a period not to exceed an additional 10 days beyond the duration of the short-term suspension.

The **Superintendent** is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, provided only that if the Superintendent issued the original short-term suspension, then the School Board may designate another person to continue the short-term suspension and issue the long-term suspension.

A long-term suspension may only be imposed for:

- i. an act that constitutes an act of theft, destruction, or violence, as defined in RSA 193-D
- ii. bullying pursuant to Board policy JICK when the pupil has not responded to targeted interventions **and** poses an ongoing threat to the safety or welfare of another student; or
- iii. possession of a firearm, BB gun, or paintball gun.

Prior to a long-term suspension, the student will be afforded a hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing, but the process must comply with the requirements of Ed 317.04 (f)(2), and (f) (3)(g), including, without limitation, the requirements for advance notice and a written decision.

**c. Appeal of long-term suspension.** Any long-term suspension issued other than by the School Board under this policy, is appealable to the School Board, provided the Superintendent or School Board chair receives the appeal in writing within ten (10) days after the issuance of the Superintendent's or other person designated under B.6.b, above] hearing and written decision required under N.H. Dept. of Education Rule Ed. 317.04 (f)(2)c, and sub-paragraph B.6.b, above. The Board shall hold a hearing on the appeal, but will rely upon the record of the decision being appealed from.

Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending unless the School Board stays the suspension while the appeal is pending. Any request to stay a long-term suspension should be included in the original appeal.

**d. Educational Assignments.** As required by RSA 193:13, V, educational assignments shall be made available to students during both short and long-term suspensions.

**e. Alternative Educational Services.** The school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable the pupil to advance from grade to grade.

**f. Re-entry Meetings and Intervention Plans.** Prior to returning to regular classes, a suspended student, and parent/guardian (when available) shall meet with the building Principal or his/her designee to assist the student in smoothly returning to the school setting.

Any time a pupil is suspended more than 10 school days in any school year, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors by reviewing the problem behavior, re-teaching expectations, and identifying any necessary supports.

**g. Attendance Safe Harbor.** A student may not be penalized academically solely by virtue of missing class due to a suspension.

**7. "Expulsion"** means the complete denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II, and IV.



a. Grounds for Expulsion. An expulsion may only be imposed for an act that poses an ongoing threat to the safety of students or school personnel AND that constitutes:

- i. A repetition of an act that warranted long term suspension under section B.6.b, above;
- ii. Any act of physical or sexual assault that would be a felony if committed by an adult;
- iii. Any act of violence pursuant to RSA 651:5, XIII;
- iv. Criminal threatening pursuant to RSA 631:4, II(a);

OR

v. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1, or under the Gun-Free School Zones Act, unless such pupil has written authorization from the Superintendent.

Before expelling a pupil, the Board shall consider each of the following factors:

- (1)The pupil's age.
- (2)The pupil's disciplinary history.
- (3)Whether the pupil is a student with a disability.
- (4)The seriousness of the violation or behavior committed by the pupil.
- (5)Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph V.
- (6)Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

b. **Due Process to Be Afforded Prior to Expulsion.** Prior to any expulsion, the District will ensure that the due process standards set forth in Ed 317.04(f)(3) through 317.04 (m) are followed.

c. **Duration of Expulsion.** An expulsion will run for the duration stated in the written decision or until the School Board or Superintendent restores the student's permission to attend school as provided in this policy. An expulsion relating to a firearm in a safe school zone per B.7.a.v, shall be for a period of not less than 12 months.

d. **Educational Services.** The Superintendent is authorized, but not required, to arrange for educational services to be provided to any student residing in the District who has been expelled by the District or by any other school.

### **C. Modification or Reinstatement After Suspension or Expulsion.**

Expelled or suspended students may request a modification of, or reinstatement from, an expulsion or suspension as provided below. Except for students establishing residency from out-of-state, requests for modification or reinstatement from expulsion/suspension shall be submitted in writing to the Superintendent no later than August 15. The request should set forth the reasons for the request and include additional information to establish that it is in the best interest of the student and the school community to reinstate the student. Such additional information may include such things as work history, letters of reference, medical information, etc. All reinstatements shall include an Intervention Plan as described in paragraph B.6.f, above, including such conditions as the reinstating authority (Superintendent or Board), deem appropriate.

1. **Modification by Superintendent.** Subject to all other applicable laws, regulations, and Board policies, and paragraph C.3, below (relating to firearms), the Superintendent is authorized to reinstate any student who has been suspended or expelled from a school in this District, and or enroll a student suspended or expelled from another school or district, on a case-by-case basis.

2. **Review and reinstatement by Board.** A student may request the School Board (of the district of attendance) to review an expulsion decision prior to the start of each school year by filing a written request with the Superintendent detailing the basis of the request. The Board will determine whether and in what manner it will consider any such request after consultation with the Superintendent.

3. **Modification of Expulsion for Firearms.** A student who has been expelled from this District or any other public or private school for bringing or possessing a firearm in a safe school zone as prohibited under RSA 193-D1, or under the Gun-Free Schools Act, may only be reinstated or enrolled if the Superintendent first determines: possession of the firearm

was inadvertent and unknowing; the firearm was for sporting purposes and the student did not intend to display the firearm to any other person while within the safe school's zone; the student is/was in the fifth or lower grade when the incident occurred, or the Superintendent determines that the firearm was not loaded; and that no ammunition was reasonably available; and that the pupil had no intention to display the firearm to other students.

Additionally, the School Board may enroll a student expelled from a school outside of New Hampshire for a violation of the Gun-Free Schools Act upon the student establishing residency.

**D. Appeals to State Board of Education.**

Any decision by the Board (i) to expel a student, (ii) not to reinstate a student upon request, or (iii) enroll a student from another state who had been expelled for a violation of the Gun-Free Schools Act, may be appealed to the State Board of Education at any time that the expulsion remains in effect, subject to the rules of the State Board of Education.

**E. Sub-committee of Board.** For purposes of sections B.6 and B.7 of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

**F. Superintendent and Principal Designees.**

Except where otherwise stated in this policy, the Superintendent may delegate any authority s/he has under this policy, and a principal may delegate any authority s/he has under this policy, to other appropriate personnel.

**G. Disciplinary Removal of Students with Disabilities.**

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

**H. Notice and Dissemination.**

This policy shall be made available to families, students and staff as provided in Board policy JIC.

**I. Conflict in Law or State Regulation.**

If any provision of this policy shall conflict with State or Federal law, or regulation of the New Hampshire Department of Education, then such law or regulation shall apply, and the remainder of the policy shall be read and interpreted to be consistent with the law or regulation. School administrators and families are strongly encouraged to review the links for pertinent statutes and laws as referenced in this policy.

Revisions: 11/2/2021, 3/2/2021, 11/7/2018

Legal References:

18 U.S.C. § 921, Et seq., Firearms

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

RSA 189:15, Regulations

RSA 193:13, Suspension & Expulsion of Pupils

RSA Chapter 193-D, Safe Schools Zones

RSA 631:4, Criminal Threatening

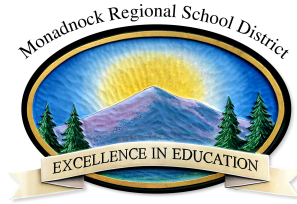
RSA 651:5, XIII "Act of Violence"

NH Code of Administrative Rules, Section Ed 306.04(a)(3), Discipline

NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline Policy  
NH Code of Administrative Rules, Section Ed. 306.04(g), Suspension & Expulsion  
NH Code of Administrative Rules, Section Ed 317.04, Suspension and Expulsion of Pupils Assuring Due  
Process Disciplinary Procedures  
In re Keelin B., 162 N.H. 38, 27 A.3d 689 (2011)  
See Appendix: JICD-R

Category: Priority - Required by Law  
Related Policies: JI, JIC, JICDD & JICK  
See also Appendix JICD-R

**Last Modified by Lillian Sutton on November 4, 2021**



Book	J: Students
Section	Series J
Title	DRAFT of Student Discipline and Due Process
Code	JICD
Status	First Reading
Adopted	May 1, 1993
Last Revised	May 14, 2024

## STUDENT DISCIPLINE AND DUE PROCESS

### A. Policy Statement.

This policy establishes the substantive parameters, procedures, and due process that shall apply before a student may be subject to temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions, and/or expulsion. Pursuant to Board policy **{\*\*}**JIC, response to misconduct, including disciplinary measures and consequences, should be designed to maximize student academic, emotional, and social success, while at the same time assuring the safety of all students, staff, and school visitors. Administration of any of the consequences described in this policy shall be consistent with the system of supports and graduated sanctions established pursuant to Policy **{\*\*}**JIC and the applicable Code of Conduct. ~~[remove footnote]~~

### B. Standards and Procedures Relative to Disciplinary Consequences.

**1. "Removal from the classroom"** means a student is sent to the building Principal's office or other designated area during the same school day. It is within the discretion of the person in charge of the classroom or activity to remove the student. Students may be removed from the classroom at the classroom teacher's discretion if the student refuses to obey the teacher's directives, becomes disruptive, fails to abide by school or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the removal, the staff member ordering the removal shall warn the student of the infraction and allow the student to respond.

Removals under this policy ~~Detentions~~ are not appealable.

**2. "Restriction from school activities"** means a student will attend school and classes, but will not participate in other school extracurricular activities, including such things as competitions, field trips, and performances. A student who has been restricted from school activities may participate in practices at the discretion of the person imposing the restriction.

Before ordering the restriction, the supervising employee (e.g., teacher, coach, director, Principal, etc.) ordering the restriction shall warn the student of the infraction and allow the student to respond. If the restriction is immediate and outside of school hours, provision must be made to assure the student is not left unsupervised. The terms of the restriction shall be communicated to the Principal and the student's parent/guardian.

Restrictions under this policy are not appealable.

3. **"Detention"** means the student's presence is required for disciplinary purposes before or after the hours when the student is assigned to be in class, and may occur on one or more Saturdays.

Students may be assigned classroom detention at the classroom teacher's discretion, and building detention at the Principal's discretion, if the student refuses to obey the teacher's/employee's directives, becomes disruptive, fails to abide by ~~printed~~ classroom, school, or District rules, or the Code of Conduct, or otherwise impedes the educational purpose of the class. Before ordering the detention, the staff member ordering the detention shall warn the student of the infraction and allow the student to respond. Parents/guardians shall be notified at least 24 hours prior to a student serving detention.

Detentions before or after school shall not exceed one hour, and Saturday detentions shall not exceed three hours. The building Principal is authorized to establish, announce, and post additional guidelines and rules regarding detention, supervision, building access, etc.. The length and timing of the detention, is within the discretion of the licensed employee disciplining the student or the building Principal, pursuant to the posted rules of the school.

Detentions are not appealable.

4. **"Temporary Reassignment"** or "in-school suspension" means the student will attend school but will be temporarily isolated from one or more classes while under supervision. A temporary reassignment should not exceed five consecutive school days. Parents/guardians shall be notified at least 24 hours prior to the administration of a temporary reassignment.

The building Principal is authorized to issue reassignment, restrictions from activities, or place a student on probation for repeated failure to conform to the Code of Conduct ~~\_\_\_\_\_~~, classroom rules, or for any conduct that causes material or substantial disruption to the school/class environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, ~~and~~ visitors, is otherwise inappropriate, or is prohibited by law.

5. **"Probation"** means a student is given a conditional suspension of a penalty for a definite period of time in addition to being reprimanded. The conditional suspension will mean the student must meet the conditions and terms for the suspension of the penalty. Failure of the student to meet these conditions and terms will result in reinstatement of the penalty. Notwithstanding the assignment of probation, no imposition of the suspended consequence may be administered unless and until all of the provisions of this policy applicable to the suspended consequence (i.e., long-term suspension, expulsion, etc.) are satisfied. The building principal is authorized to place a student on probation for any of the reasons stated in paragraph 4, above.

6. **"Out-of-school suspension"** means the temporary denial of a student's attendance at school for a specific period of time. It includes short-term and long-term ~~out-of-~~ school suspensions.

- a. Short-term suspension. A "short-term suspension" means an out-of-school suspension of ten (10) consecutive school days or less. RSA 193:13, I (a). ~~2 Remove footnote~~ The Superintendent or his/her written designee ~~3 Remove footnote~~ is authorized to suspend a student for ten (10) school days or less. A ~~short~~ term suspension may be imposed only for:
  - i. Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel (including, but not limited to ~~and~~ act of theft, destruction or violence, as defined in RSA 193-D:1); or
  - ii. Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions described in {\*\*}JIC and the Code of Conduct .

Pursuant to RSA 193:13, XI(b) and Board policy {\*\*}JIC, a short-term suspension over 5 days must conform to the standards included in the Code of Conduct ~~\_\_\_\_\_~~.

**Before any short-term suspension may be imposed, a student is entitled to the minimum due process (notice before meeting of the charge and explanation of evidence, notice of the possibility of suspension, opportunity for the student to respond, and a written decision explaining the disciplinary taken). See New Hampshire Department of Education Rule Ed 317.04(f)(1).**

**b. Long-term suspension.** A “long-term suspension” is the extension or continuation of a short-term suspension for a period **not to exceed an additional 10 days** beyond the duration of the short-term suspension.

The **Superintendent** is authorized to continue the suspension and issue a long-term suspension of a pupil for a period in excess of ten (10) school days, ~~provided only that~~ **however**, if the Superintendent issued the original short-term suspension, then the School Board must either appoint another person to continue the short-term suspension and issue the long-term suspension (in accordance with the procedures set forth in Ed 317.04 (f) and 317.04 (j)), or do so itself. ~~may designate another person to continue the short-term suspension and issue the long-term suspension.~~

A long-term suspension may only be imposed for:

- i. an act that constitutes an act of theft, destruction, or violence, as defined in RSA 193-D
- ii. bullying pursuant to Board policy **JICK** when the pupil has not responded to targeted interventions **and** poses an ongoing threat to the safety or welfare of another student; or
- iii. possession of a firearm, BB gun, or paintball gun.

Prior to a long-term suspension, the student will be afforded a hearing on the matter. The informal hearing need not rise to the level and protocol of a formal hearing, but **the process must comply with the requirements of Ed 317.04 (f)(2), and 317.04 (j)(f)(3)(g)**, including, without limitation, the requirements for advance notice and a written decision.

**c. Appeal of long-term suspension.** Any long-term suspension issued other than by the School Board under this policy, is appealable to the School Board, provided the Superintendent or School Board chair receives the appeal in writing within ten (10) days after the issuance of the Superintendent's *[or other person designated under B.6.b, above]* hearing and written decision required under N.H. Dept. of Education Rule Ed. 317.04 ~~(f)(23)~~ **e**, and sub-paragraph B.6.b, above. The Board shall hold a hearing on the appeal, but will rely upon the record of the decision being appealed from.

Any suspension in excess of ten (10) school days shall remain in effect while this appeal is pending unless the School Board stays the suspension while the appeal is pending. Any request to stay a long-term suspension should be included in the original appeal.

**d. Educational Assignments.** As required by RSA 193:13, V, educational assignments shall be made available to students during both short- and ~~long-~~ **long** term suspensions.

**e. Alternative Educational Services.** The school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended **in excess of 20 cumulative days** within any school year. The alternative educational services shall be designed to enable the pupil to advance from grade to grade.

**f. Re-entry Meetings and Intervention Plans.** Prior to returning to regular classes, a suspended student, and parent/guardian (when available) shall meet with the building Principal or his/her designee to assist the student in smoothly returning to the school setting. Any time a pupil is suspended **more than 10 school days in any school year**, upon the pupil's return to school the school district shall develop an intervention plan designed to proactively address the pupil's problematic behaviors by reviewing the problem behavior, re-teaching expectations, and identifying any necessary supports.

**g. Attendance Safe Harbor.** A student may not be penalized academically solely by virtue of missing class due to a suspension.

**7. "Expulsion"** means the complete denial of a pupil's attendance at school for any of the reasons listed in RSA 193:13, II, and IV.

- a. **Grounds for Expulsion.** An expulsion may only be imposed for an act that poses an ongoing threat to the safety of students or school personnel **AND** that constitutes:

- i. A repetition of an act that warranted term suspension under section B.6.b, above;
  - ii. Any act of physical or sexual assault that would be a felony if committed by an adult;
  - iii. Any act of violence pursuant to RSA 651:5, XIII;
  - iv. Criminal threatening pursuant to RSA 631:4, II(a);
- OR
- v. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1, or under the Gun-Free School Zones Act, unless such pupil has written authorization from the Superintendent.

Before expelling a pupil, the Board shall consider each of the following factors:

- (1)The pupil's age.
- (2)The pupil's disciplinary history.
- (3)Whether the pupil is a student with a disability.
- (4)The seriousness of the violation or behavior committed by the pupil.
- (5)Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph B.6.b.ii, above.
- (6)Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

b. **Due Process to Be Afforded Prior to Expulsion.** Prior to any expulsion, the District will ensure that the **due process standards set forth in Ed 317.04(f) through 317.04 (j)** are followed.

c. **Duration of Expulsion.** An expulsion will run for the duration stated in the written decision or until the School Board or Superintendent restores the student's permission to attend school as provided in this policy. An expulsion relating to a firearm in a safe school zone per B.7.a.v, shall be for a period of not less than 12 months.

d. **Educational Services.** The Superintendent is authorized, but not required, to arrange for educational services to be provided to any student residing in the District who has been expelled by the District or by any other school.

### **C. Modification or Reinstatement After Suspension or Expulsion.**

Expelled or suspended students may request a modification of, or reinstatement from, an expulsion or suspension as provided below. Except for students establishing residency from out-of-state, requests for modification or reinstatement from expulsion/suspension shall be submitted in writing to the Superintendent no later than August 15. The request should set forth the reasons for the request and include additional information to establish that it is in the best interest of the student and the school community to reinstate the student. Such additional information may include such things as work history, letters of reference, medical information, etc. All reinstatements shall include an Intervention Plan as described in paragraph B.6.f, above, including such conditions as the reinstating authority (Superintendent or Board), deem appropriate.

1. **Modification by Superintendent.** Subject to all other applicable laws, regulations, and Board policies, and paragraph C.3, below (relating to firearms), the Superintendent is authorized to reinstate any student who has been suspended or expelled from a school in this District, and or enroll a student suspended or expelled from another school or district, on a case-by-case basis.

2. **Review and Reinstatement by Board.** A student may request the School Board (of the district of attendance) to review an expulsion decision prior to the start of each school year by filing a written request with the Superintendent detailing the basis of the request. The Board will determine whether and in what manner it will consider any such request after consultation with the Superintendent.

3. **Modification of Expulsion for Firearms.** A student who has been expelled from this District or any other public or private school for bringing or possessing a firearm in a safe school zone as prohibited under RSA 193-D1, or under the Gun-Free Schools Act, may only be reinstated or enrolled if the Superintendent first determines: possession of the firearm was inadvertent and unknowing; the firearm was for sporting purposes and the student did not intend to display the firearm

to any other person while within the safe school's zone; the student is/was in the fifth or lower grade when the incident occurred, or the Superintendent determines that the firearm was not loaded; and that no ammunition was reasonably available; and that the pupil had no intention to display the firearm to other students.

Additionally, the School Board may enroll a student expelled from a school outside of New Hampshire for a violation of the Gun-Free Schools Act upon the student establishing residency.

#### **D. Appeals to State Board of Education.**

Any decision by the Board (i) to expel a student, (ii) not to reinstate a student upon request, or (iii) enroll a student from another state who had been expelled for a violation of the Gun-Free Schools Act, may be appealed to the State Board of Education at any time that the expulsion remains in effect, subject to the rules of the State Board of Education.

**E. Sub-committee of Board.** For purposes of sections B.6 and B.7 of this policy, "Board" or "School Board" may either be a quorum of the full Board, or a subcommittee of the Board duly authorized by the School Board.

#### **F. Superintendent and Principal Designees.**

Except where otherwise stated in this policy, the Superintendent may delegate any authority s/he has under this policy, and a principal may delegate any authority ~~s/he has~~ they have under this policy, to other appropriate personnel.

#### **G. Disciplinary Removal of Students with Disabilities.**

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or any other law providing special rights to disabled students, those laws shall govern and shall supersede these local policies to the extent these local policies are inconsistent with those laws. Accordingly, any suspension or expulsion of a child with a disability as defined in Ed 1102.01(t) shall be in accordance with Ed 1124.01.

#### **H. Notice and Dissemination.**

This policy shall be made available to families, students and staff as provided in Board policy **JIC**.

#### **I. Conflict in Law or State Regulation.**

If any provision of this policy shall conflict with State or Federal law, or regulation of the New Hampshire Department of Education, then such law or regulation shall apply, and the remainder of the policy shall be read and interpreted to be consistent with the law or regulation. School administrators and families are strongly encouraged to review the links for pertinent statutes and laws as referenced in this policy.

Revisions: **5/13/2024**, 11/2/2021, 3/2/2021, 11/7/2018

Legal References:

NH Case Law References Description

162 N.H. 38, 27 A.3d 689 (2011) [In re Keelin B.](#)

NH Statutes References Description

RSA 189:15 [Regulations](#)

RSA 193-D [Safe School Zones](#)

RSA 193:13 [Suspension and Expulsion of Pupils](#)

RSA 631:4 [Criminal Threatening](#)



RSA 651:5, XIII [“Act of Violence”](#)

NH Dept of Ed Regulation References Description

NH Code of Admin. Rules, Sect. Ed 317.04 [Suspension and Expulsion of Pupils Assuring Due Process Disciplinary Procedures](#)

NH Code of Admin. Rules, Sect. Ed. 306.04(g) [Suspension & Expulsion](#)

NH Code of Admin., Sect. Ed 306.04(a)(3) [Student Discipline](#)

NH Code of Admin., Sect. Ed 306.04(f) [Student Discipline](#)

Federal Statutes References Description

18 U.S.C. § 921, Et seq. [Firearms](#)

20 U.S.C. § 7151 [Gun-Free Schools Act](#)

Cross References Description

ECAC [Vandalism](#)

EEAA [Video and Audio Surveillance on School Property](#) IHBA [Programs for Pupils with Disabilities](#) IHBA-R(1) [Programs for Pupils with Disabilities - Section 504 - Notice of Parent & Student Rights](#)

IHBAM [District Special Education Policy and Procedures Manual](#) IKL [Academic Honesty and Integrity](#)

JI [Student Rights and Responsibilities](#)

JIC [Student Conduct](#)

JICC [Student Conduct on School Buses](#)

JICC-R(1) [Student Conduct on School Buses - School Bus Conduct Rules](#) JICI [Weapons on School Property](#)

JICI-R(1) [Weapons on School Property - Modifications of Weapons Expulsions](#) JICK [Pupil Safety and Violence Prevention](#)

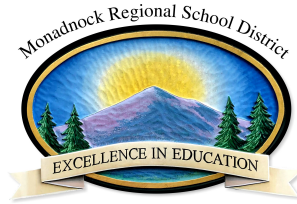
JICK-R(1) [Pupil Safety and Violence Prevention - Report Form](#) JICK-R(2) [Pupil Safety and Violence Prevention - Bullying Report Form](#) JICK-R(3) [Pupil Safety and Violence Prevention - School Board Notification of Bullying Report](#) JIJ [Student Protests, Demonstrations and Strikes](#) JLDBA [Behavior Management & Intervention](#)

Category: Priority - Required by Law

Related Policies: JI, JIC, JICDD & JICK

See also Appendix JICD-R

**Last Modified by Kristen Noonan on May 27, 2024**



Book	J: Students
Section	Series J
Title	DRAFT of Prohibitions Regarding Use and Possession of Tobacco Products, E-Cigarettes and E-Liquids In and On School Facilities and Grounds
Code	JICG/ADC/GBED
Status	First Reading
Adopted	May 4, 1993
Last Revised	May 14, 2024

## **PROHIBITION REGARDING USE AND POSSESSION OF TOBACCO PRODUCTS, E-CIGARETTES AND E-LIQUIDS 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.** *These definitions shall also include any amendments to the referenced statutes as the same may be amended or replaced from time to time.*

**"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.

**"Device"** means any product composed of a mouthpiece, a heating element, a battery, and electronic circuits designed or used to deliver any aerosolized or vaporized substance including, but not limited to, nicotine or cannabis. Device may include but is not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, as well as any other object or item defined in RSA 126-K:2, II-a.

**"E-cigarette"** means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that **may or may not contain** nicotine **or e-liquid**. 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-b.

**"E-liquid"** means any liquid, oil, or wax product containing, but not limited to, nicotine or cannabis intended for use in devices used for inhalation as well as any other substance included or defined in RSA 126-K:2, II-c.

**"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.

Employee" shall include all persons within the definition of "covered person" under Board policy GBCD.

**"Facility"** is any place that 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, restrooms, 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, device, E-cigarette, E-liquid, or liquid nicotine in any facility, in any school vehicle or anywhere on school grounds maintained by the District.

Students are also subject to the provisions of D.2, below.

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, **device**, E-cigarette, **E-liquid**, 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.

Employees are also subject to the provisions of D.2, below.

## **D. All other persons**

1. No visitor, contractor, vendor, or other member of the public, shall use any tobacco product, **device**, E-cigarette, **E-liquid**, or liquid nicotine in any facility, in any school vehicle, or anywhere on school grounds maintained by the District.
2. Additionally, no person, including, without limitation, students or employees (as defined above), may sell, give or furnish tobacco products, e-cigarettes, or e-liquid to any person under 21 in or upon any school facility.
3. The building principal(s), and where appropriate, other site supervisors (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 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 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 the 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.

**Revision Dates: 5/13/2024, 09/05/2023, 3/3/2020, 1/22/2019**

**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

**Federal Statutes References Description**

20 U.S.C. Sec. 7973 [Nonsmoking Policy for Children's Services](#)

**Policy References:**

GBEC – Drug-Free Workplace/Drug-Free School

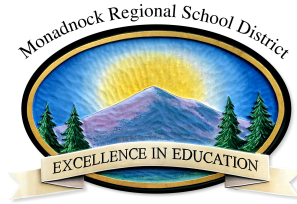
GBED – Tobacco-Free Workplace

JICG – Tobacco Use by Students

JICH – Drug and Alcohol Use by Students

IHAMA [Teaching about Alcohol, Drugs, and Tobacco](#)

**Last Modified by Kristen Noonan on May 27, 2024**



Book	J: Students
Section	Series J
Title	Prohibitions Regarding Use and Possession of Tobacco Products, E-Cigarettes and E-Liquids In and On School Facilities and Grounds
Code	JICG
Status	Active
Adopted	May 4, 1993
Last Revised	September 5, 2023

## **PROHIBITION REGARDING USE AND POSSESSION OF TOBACCO PRODUCTS, E-CIGARETTES AND E-LIQUIDS 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.** *These definitions shall also include any amendments to the referenced statutes as the same may be amended or replaced from time to time.*

**"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.

**"Device"** means any product composed of a mouthpiece, a heating element, a battery, and electronic circuits designed or used to deliver any aerosolized or vaporized substance including, but not limited to, nicotine or cannabis. Device may include but is not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, e-hookah, as well as any other object or item defined in RSA 126-K:2, II-a.

**"E-cigarette"** means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that *may or may not contain* nicotine *or e-liquid*. 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-b.

**"E-liquid"** means any liquid, oil, or wax product containing, but not limited to, nicotine or cannabis intended for use in devices used for inhalation as well as any other substance included or defined in RSA 126-K:2, II-c.

**"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.

"**Facility**" is any place that 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, restrooms, 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, *device*, E-cigarette, *E-liquid*, 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, *device*, E-cigarette, *E-liquid*, 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, *device*, E-cigarette, *E-liquid*, 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 supervisors (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 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 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 the 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.

**Revision Dates: 09/05/2023, 3/3/2020, 1/22/2019**

**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 References:**

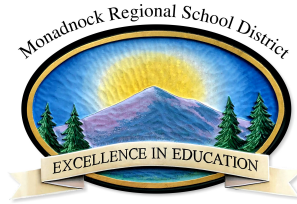
GBEC – Drug-Free Workplace/Drug-Free School

GBED – Tobacco-Free Workplace

JICG – Tobacco Use by Students

JICH – Drug and Alcohol Use by Students

**Last Modified by Lillian Sutton on September 19, 2023**



Book	J: Students
Section	Series J
Title	Use of Restraints and Seclusion
Code	JKAA
Status	Active
Adopted	November 16, 2010
Last Revised	October 17, 2023

## USE OF RESTRAINTS AND SECLUSION

A. **Policy Statement.** This policy is designed to help ensure the safety and dignity of all students by limiting and regulating the use of restraint and seclusion only as crisis or emergency responses. Restraint and seclusion of students is prohibited in the District except as described below.

**Definitions:** For the purposes of this policy

1. **"Restraint"** means bodily physical restriction, mechanical devices, or any device that immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication. It is limited to actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.

- a. **"Medication restraint"** occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.
- b. **"Mechanical restraint"** occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.
- c. **"Physical restraint"** occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.
- d. **"Prone restraint"** is a prohibited physical restraint technique which occurs when a child is intentionally placed face-down on the floor or another surface, and the child's physical movement is limited to keep the child in a prone position. For the purpose of this definition, physical restraint that involves the temporary controlling of an individual in a prone position while transitioning to an alternative, safer form of restraint is not considered to be a prohibited form of physical restraint.
- e. **Exceptions to definition of restraint.** The term "restraint" DOES NOT, however, include:
  - i. Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.
  - ii. The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of



inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.

iii. Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

iv. The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

v. The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.

2. **“Dangerous Restraint Technique”** are prohibited forms of restraint and/or behavior techniques that include:

a. Prone restraint, or any other physical restraint or containment technique that:

i. Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing;

ii. Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;

iii. Obstructs the circulation of blood;

iv. Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or

v. Endangers a child's life or significantly exacerbates a child's medical condition.

b. The intentional infliction of pain, including the use of pain inducement to obtain compliance.

c. The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.

d. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.

e. Other forms of physical and medical restraint shall be administered in such a way so as to prevent or minimize physical harm. During the administration of restraint, the physical status of the child, including skin temperature, color, and respiration, shall be continuously monitored. The child shall be released from restraint immediately if they demonstrate signs of one or more of the following: difficulty breathing; choking; vomiting; bleeding; fainting; unconsciousness; discoloration; swelling at points of restraint; cold extremities, or similar manifestations.

3. **"Seclusion"** means: the involuntary confinement of a child alone in any room or area from which the child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier, or from which the child reasonably believes they are not free to leave; or, the involuntary confinement of a child to a room or area, separate from their peers, with one or more adults who are using their physical presence to prevent egress.

The term “seclusion” DOES NOT, however, include: the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave; circumstances in which there is no physical barrier, and the child is physically able to leave; or involuntary confinement of a child to a room or area with an adult who is actively engaging in a therapeutic intervention. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

**C. Training Required.** Under RSA 126-U:5, II, the restraint may only be used/implemented by trained school staff, while 126-U:5-a, II applies the same limitation to the use of seclusion. The Superintendent shall ensure that:

1. each school building has staff who have been appropriately trained in the proper and safe implementation of seclusion or restraint techniques;
2. each school building has staff who have been appropriately trained and are authorized to assess the mental, emotional, and physical well-being of a student relative to a period of restraint that exceeds 30 minutes in conditions described in \_\_\_\_, below; and
3. all employees, designated volunteers and other persons who are required to have criminal history background checks under Board policy GBCD receive general training in the requirements and prohibitions of this policy, as well as basic de-escalation procedures. Personnel who have only received such general training are not authorized to use restraint or seclusion upon any student.

**D. Procedures for Managing the Behavior of Students.** General procedures for managing student behavior are found in Board policies, District and each school’s Code of Conduct, and student handbooks. Behavior of individual students may be addressed in applicable individualized educational plans, 504 plans, behavior intervention plans, or other such individualized documents. The Superintendent is authorized to establish additional procedures for managing student behavior and to implement this Policy as needed. Such procedures shall be consistent with all Board policies and all applicable laws or regulations. The Superintendent is further authorized to establish any other procedures necessary to implement this policy and/or any other legal requirements.

**E. Provisions Governing the Circumstances in Which – and Conditions by Which Forms of Restraint May and May Not Be Used.**

**1. Authorized Use of Restraint.**

**a. General.**

- i. Restraint may only be used by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.
- ii. The determination of whether the use of restraint is justified in a specific instance must be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others.
- iii. Restraint may only be used to ensure the immediate physical safety of any person when there is a substantial and imminent risk of serious bodily harm to the student or others.
- iv. Restraint shall never be used either explicitly or implicitly as punishment for the behavior of a child.

v. Restraint will not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious bodily harm.

vi. Restraint will be discontinued immediately if a child demonstrates signs of one or more of the following: difficulty breathing; choking; vomiting; bleeding; fainting; unconsciousness; discoloration; swelling at points of restraint; cold extremities, or similar manifestations.

b. **Restraint Periods Exceeding 15 Minutes.** Pursuant to RSA 126-U:11, no period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the Superintendent or Principal to provide such approval.

*However, no period of restraint of a student may exceed 30 minutes unless an assessment of the mental, emotional, and physical well-being of the student is conducted by an employee trained and authorized to make such assessments. Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained by as part of the Written Notification required in Section G.1.c \_\_\_, below.*

**2. Prohibition of Certain Forms of Restraint.** The use of any dangerous restraint technique as defined in Section A, above, is prohibited. Additionally, medical and mechanical restraints are prohibited except that limited mechanical restraint may be used in transportation as described in and subject to the conditions set forth in paragraph 3, of this Section.

**3. Limited Use of Mechanical Restraints During Transportation.** Pursuant to RSA 126-U6, the use of Mechanical Restraints is generally prohibited. However, RSA 126-U:12 allows the use of mechanical restraint during transportation when case-specific circumstances dictate that such methods are necessary.

Whenever a student is transported to a location outside the school, the Superintendent or designee will ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the student in a manner which:

- a. Prevents physical and psychological trauma;
- b. Respects the privacy of the child; and
- c. Represents the least restrictive means necessary for the safety of the child.

Whenever a student is transported using mechanical restraints, the Superintendent or designee will document in writing the reasons for the use of the mechanical restraints as described in Section G.3 \_\_\_ below.

**4. Reporting and Notification.** Any occurrence or incident or occurrence in which restraint is used shall be followed by reports and notification as described in Section G \_\_\_, below.

## **F. Use of Seclusion.**

**1. Circumstances in Which - and Conditions by Which - Seclusion May and May Not Be Used.**

- a. Seclusion may only be used by personnel trained in the proper use of seclusion as provided in Section C \_\_\_, above.
- b. Seclusion may only be used when a student's behavior poses a substantial and imminent risk

of physical harm to the student or others and may only continue until that danger has dissipated.

c. Seclusion shall only be used after other approaches to the control of behavior have been attempted and been unsuccessful or are reasonably concluded to be unlikely to succeed based on the history of actual attempts to control the behavior of a particular child.

d. Seclusion will not be used explicitly or implicitly as a form of punishment or discipline for the behavior of a student.

e. Seclusion shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

**2. Conditions of Seclusion.** When seclusion is permitted under this policy,

a. it may only be imposed in rooms which:

i. Are of a size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them.

ii. Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located.

iii. Are equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located.

iv. Are free of any object that poses a danger to the children being placed in the rooms.

v. Have doors which are either not equipped with locks or are equipped with devices that automatically disengage the lock in case of an emergency. For the purposes of this subparagraph, an "emergency" includes, but is not limited to:

A. The need to provide direct and immediate medical attention to a child;

B. Fire;

C. The need to remove a child to a safe location during a building lockdown; or

D. Other critical situations that may require immediate removal of a child from seclusion to a safe location.

b. Each use of seclusion shall be directly and continuously visually and auditorily monitored by a person trained in the safe use of seclusion (e.g., in person, window with accommodation for sound, video with audio feed).

**3. Required Use of Co-Regulators.** When seclusion is used, the Principal, or when he or she is not immediately available, her/his designee or the then supervising employee, shall designate a co-regulator to monitor the child and develop a plan to help the child manage their state of regulation and their return to a less restrictive setting. The co-regulator shall check the child at regular intervals not to exceed 30 minutes between any one interval. The co-regulator shall be selected and designated in the following order of preference:

a. A trusted adult selected by the child.

b. A clinician or counselor trained in trauma informed practices.

c. A staff member known to have a positive relationship with the child.

d. A staff member who was NOT involved in the incident that led to seclusion.

4. Reporting and notification. Any occurrence or incident in which seclusion is used shall be documented and followed with reports and notification as described in Section G, below. Multiple incidents of seclusion/restraint may be present within a single occurrence, and should be individually described within the reports and notifications.

## **G. Reporting, Notification and Record Keeping Requirements.**

**1. Restraint and Seclusion.** Whenever restraint or seclusion has been used on a child, the following shall apply:

a. Immediate verbal report to Principal, designee or then current supervising employee: Immediately after the occurrence of seclusion or restraint and any threat to safety is no longer imminent, the employee who uses seclusion or restraint shall provide verbal notice to the Principal, principal's designee or other supervising employee on duty.

b. Initial Notification to Parent/Guardian: Upon receipt of a report of the use of seclusion or restraint, and unless prohibited by court order, the Principal, principal's designee or other supervising employee who received the immediate verbal report described in Paragraph G.1.a, s/he shall make reasonable efforts to contact the child's parent or guardian as soon as is practicable, but in no later than the time of the return of the child to the parent/guardian or the end of the business day, whichever is earlier. The form of notice shall be in the manner calculated to give the parent/guardian actual notice of the incident at the earliest possible time.

c. Written Notification to Superintendent: Within five business days of the use of seclusion or restraint, the employee who used seclusion or restraint on a child, will, with the assistance of the Principal or other employee who received the immediate verbal report (or if the employee is not available, the Principal or other recipient of the immediate report) will submit written notification on the form provided by the New Hampshire Departments of Education and Health and Human Services (the "DOE/DHHS form") to the Superintendent. In the absence of the availability of the DOE/DHHS form, the submission shall nonetheless be in writing and include all of the information required under RSA 126-U:7, II. The DOE/DHHS form or other writing used will be referred to as the Written Notification.

If the use of restraint on a child exceeded 30 minutes, the Written Notification shall also include information pertaining to the assessments described in Section E.1.b, above.

d. Written Information to Parent/Guardian: Unless prohibited by court order, within 2 business days of receipt of the Written Notification, the Superintendent/designee shall send by USPS first class mail, or transmit by electronic means, to the child's parent/guardian all of the information included in the Written Notification or the Written Notification itself.

e. Final Investigation and Report: The Superintendent or Superintendent's designee shall review and investigate each incident of seclusion or restraint for a determination as to whether the use complied with this policy, RSA 126-U and Ed 1201-1203. After the completion of a reasonable review/investigation, the Superintendent or her/his designee, shall follow the Written Notification with a Final Report of the incident. The Final Report should include findings and conclusions, the documentary and other physical evidence (or summary of oral evidence), and a description of actions taken in response to those findings and conclusions

**2. Additional Reporting Required for Injury or Death of a Child Subject to Restraint or Seclusion.** In cases involving serious injury or death to a child subject to restraint or seclusion in a school, the Principal/Superintendent designee shall, in addition to the reports and notifications

described above, and in accordance with the provisions of RSA 126-U:7, notify the Commissioner of the Department of Education, the New Hampshire Attorney General, general, and the New Hampshire Disability Rights Center using the contact information provided by the Department of Education. Such notice shall include the Official/Written Notification required in Section G.c, above.

**3. Additional Documentation Regarding Use of Mechanical Restraint.** Whenever a child is transported using mechanical restraints, the person(s) completing the Official Report Form/written notification described in G.1.c, above, shall include the reasons for the use of mechanical restraints. Such documentation shall be treated and retained as a notification of restraint under RSA 126-U:7.

**4. Documentation for Other Intentional Physical Contact Between Employee and Student.** The following shall apply whenever there is an instance where a school employee or designated volunteer has intentional physical contact with a student in response to a student's aggressive misconduct or disruptive behavior.

a. Notice to parents: the Principal, designee or other supervising employee will make reasonable efforts to promptly notify the student's parent or guardian. *Such notification shall be made no later the time of the return of the child to the parent/guardian or the end of the business day, whichever is earlier.* The form of notice shall be in the manner calculated to give the parent/guardian actual notice of the incident at the earliest possible time.

b. Physical Contact Written Description: Unless the incident is subject to the notice and reporting requirements of Section G.1 above, the Principal shall prepare a written description of the incident ("Physical Contact Written Description") of the incident within five (5) business days of the occurrence/incident. The Physical Contact Written Description will include:

- i. The date and time of the incident.
- ii. A brief description of the actions of the child before, during, and after the occurrence.
- iii. The names of the persons involved in the occurrence.
- iv. A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.
- v. A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.

**5. Circumstances when Reporting/Notification is not Required.** The notification, reporting and record keeping requirements included in this Section G\_\_\_ are not required in the following circumstances:

a. When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. If, however, the child is actively combative, assaultive, or causes self-injury while being escorted, then the notification requirements described above are applicable.

b. When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.

c. When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the notification and reporting requirements described above.

**6. Retention of Records.** All reports, notifications and other records created pursuant to this Section, or Sections H, I or J, shall be retained [the term of the student's enrollment plus three years, unless:

- a. the student is or was a student with an individualized educational program, in which case, the records shall be retained and destroyed in accordance with paragraph B.1 of Board policy EHB; or
- b. a longer period is required pursuant to instruction by the Department of Education or the Department of Health and Human Services.

**H. Mandatory Reporting of Violations by Others.** Any school employee who has reason to believe that the action of another may constitute a violation of this policy, or the provisions of RSA 126-U, must report the suspected violation to the Principal or Superintendent in accordance with the reporting procedures of Board policy GBEAB. The conduct giving rise to the suspected violation may well likely require reporting under Board policies JLF – Reporting Child Abuse or Neglect.

**I. Complaints of Violation of RSA 126-U.** Any individual may file a complaint with the Superintendent’s office alleging a violation of this policy or RSA 126-U. The complainant should be encouraged to file the complaint in writing with the information listed in paragraph 1 below, but if declined, the Superintendent/designee should promptly prepare a written summary of the complaint with such information as could be obtained from the complainant. The complaint should be made as soon as possible after the incident. (Note that under Ed 1203.02, complaints to the New Hampshire Department of Education made more than twelve months after an incident will be dismissed by the Department.)

1. **Complaint Contents.** The written complaint or complaint summary should include:

- a. The complainant’s name, unless the complaint refuses;
- b. The date or approximate date of the alleged incident;
- c. The location of the alleged incident;
- d. The name of the child or children subject to the alleged restraint or seclusion, if known;
- e. The name of the school personnel alleged to have restrained or secluded the child, if known;
- f. A description of the alleged restraint or seclusion; and
- g. The date of complaint.

**2. Investigation and Resolution of Complaint.** The complaint or grievance will be investigated by the Superintendent, or another person designated by the Superintendent. The Complainant should be contacted no later than 5 business days (excluding school year vacations) following the date of the complaint.

In most cases, investigation of the complaint should be completed within 20 days following receipt of the complaint. If the Superintendent is not personally conducting the investigation, however, the extension of time must first be approved by the Superintendent. When extra time is required, the reasons for the extension should be included in the final investigative report.

A written investigative report of the findings and conclusions (whether the complaint is founded or unfounded) should be completed within five days of completion of the investigation. In addition to findings and conclusions, the investigative report must include the documentation of the evidence (or summary of oral evidence) relied upon.

The Superintendent will contact the complainant within 5 days after the report is completed to discuss the completion of the investigation. The amount of information provided is dependent on the nature of the complainant and the legal privacy of the concerned parties. If the complainant is the parent or guardian of the child concerned, the Superintendent may allow the parent/guardian access to the written report in the same manner as any other student record.

The Superintendent shall take such actions as are appropriate in light of the investigative report, including, without limitation, any mandatory or discretionary reports to outside agencies, employee discipline, ordering further investigation, training, etc..

Any further review of the original complaint or investigative report will be in accordance with other established processes, e.g., grievance processes within applicable collective bargaining agreements, Board policies relating to complaints such as found in {\*\*} KEB and {\*\*} GBK. The written complaint/complaint summary, the investigative report, evidence and other documents concerning the complaint shall be retained in accordance with Ed 1202.02(e).

**J. Review of IEP or 504 Plan Following the Use of Restraint or Seclusion.** Pursuant to RSA 126-U:14, upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion. If there have been multiple instances of restraint or seclusion of a child with a disability since the last IEP/504 plan review, an additional review shall occur at the request of the parent or guardian of the child.

**K. Prohibition Against Retaliation or Harassment.** No person shall subject any individual to harassment or retaliation for filing, in good faith, a report under this policy, RSA 126-U, or Department of Education Rules Ed 1200. Dissemination of Policy. A copy of this policy shall be provided to the parent, guardian, or legal representative of each full or part-time student upon enrollment, and annually thereafter printed in each student handbook. Additionally, the policy will be included on each school's website and/or the online School Board Policy Manual available to the general public.

**L. Dissemination of Policy.** A copy of this policy shall be provided to the parent, guardian, or legal representative of each full or part-time student upon enrollment, and annually thereafter printed in each student handbook. Additionally, the policy will be included on each school's website and/or the online School Board Policy Manual available to the general public.

***Revision Dates: 10/17/2023, 7/9/2019, 12/4/2014***

**NH Statutes**

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

*RSA 169-C:29-39 Reporting Law*

*RSA 186-C Special Education*

*NH Dept of Ed Regulation*

*N.H. Code of Admin. Rules Chapter 1200 Restraint and Seclusion for Children*

*Federal Statutes*

*Section 504, 29 U.S.C. 701, et. seq.*

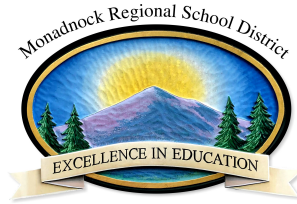
*Section 504 of The Rehabilitation Act of 1973*

*Policy Cross References*



*EBB School Safety*  
*EHB Data/Records Retention*  
*EHB-R Data/Records Retention - Local Records Retention Schedule*  
*GBEAB Mandatory Code of Conduct Reporting - All Employees*  
*JLF Reporting Child Abuse or Neglect*  
*JRA Student Records and Access (FERPA)*  
*JRA-R Student Records and Access (FERPA)*

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## USE OF RESTRAINTS AND SECLUSION

A. **Policy Statement.** This policy is designed to help ensure the safety and dignity of all students by limiting and regulating the use of restraint and seclusion only as crisis or emergency responses. Restraint and seclusion of students is prohibited in the District except as described below.

B. **Definitions:** For the purposes of this policy

1. **"Restraint"** means bodily physical restriction, mechanical devices, or any device that immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication. It is limited to actions taken by persons who are school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.

a. **"Medication restraint"** occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.

b. **"Mechanical restraint"** occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.

c. **"Physical restraint"** occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.

d. **"Prone restraint"** is a prohibited physical restraint technique which occurs when a child is intentionally placed face-down on the floor or another surface, and the child's physical movement is limited to keep the child in a prone position. For the purpose of this definition, physical restraint that involves the temporary controlling of an individual in a prone position while transitioning to an alternative, safer form of restraint is not considered to be a prohibited form of physical restraint.

e. **Exceptions to definition of restraint.** The term "restraint" DOES NOT, however, include:

- i. Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.
- ii. The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of

inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.

iii. Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

iv. The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

v. The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.

2. **“Dangerous Restraint Technique”** are prohibited forms of restraint and/or behavior techniques that include:

a. Prone restraint, or any other physical restraint or containment technique that:

i. Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing;

ii. Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;

iii. Obstructs the circulation of blood;

iv. Involves pushing on or into the child's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or

v. Endangers a child's life or significantly exacerbates a child's medical condition.

b. The intentional infliction of pain, including the use of pain inducement to obtain compliance.

c. The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing the child.

d. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.

e. Other forms of physical and medical restraint shall be administered in such a way so as to prevent or minimize physical harm. During the administration of restraint, the physical status of the child, including skin temperature, color, and respiration, shall be continuously monitored. The child shall be released from restraint immediately if they demonstrate signs of one or more of the following: difficulty breathing; choking; vomiting; bleeding; fainting; unconsciousness; discoloration; swelling at points of restraint; cold extremities, or similar manifestations.

3. **“Seclusion”** means: the involuntary confinement of a child alone in any room or area from which the child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier, or from which the child reasonably believes they are not free to leave; or, the involuntary confinement of a child to a room or area, separate from their peers, with one or more adults who are using their physical presence to prevent egress.

The term “seclusion” DOES NOT, however, include: the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave; circumstances in which there is no physical barrier, and the child is physically able to leave; or involuntary confinement of a child to a room or area with an adult who is actively engaging in a therapeutic intervention. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

4. **"Child"** means a person who has not reached the age of 18 years and who is not under adult criminal prosecution or sentence of actual incarceration resulting therefrom, either due to having reached the age of 17 years or due to the completion of proceedings for transfer to the adult criminal justice system under RSA 169-B:24, RSA 169-B:25, or RSA 169-B:26. "Child" also includes a person in actual attendance at a school who is less than 22 years of age and who has not received a high school diploma.

**C. Training Required.** Under RSA 126-U:5, II, the restraint may only be used/implemented by trained school staff, while 126-U:5-a, II applies the same limitation to the use of seclusion. The Superintendent shall ensure that:

1. each school building has staff who have been appropriately trained in the proper and safe implementation of seclusion or restraint techniques;
2. each school building has staff who have been appropriately trained and are authorized to assess the mental, emotional, and physical well-being of a student relative to a period of restraint that exceeds 30 minutes in conditions described in E, below; and
3. all employees, designated volunteers and other persons who are required to have criminal history background checks under Board policy **GBCD** receive general training in the requirements and prohibitions of this policy, as well as basic de-escalation procedures. *Personnel who have only received such general training are not authorized to use restraint or seclusion upon any student.*

**D. Procedures for Managing the Behavior of Students.** General procedures for managing student behavior are found in Board policies, District and each school’s Code of Conduct, and student handbooks. Behavior of individual students may be addressed in applicable individualized educational plans, 504 plans, behavior intervention plans, or other such individualized documents. The Superintendent is authorized to establish additional procedures for managing student behavior and to implement this Policy as needed. Such procedures shall be consistent with all Board policies and all applicable laws or regulations. The Superintendent is further authorized to establish any other procedures necessary to implement this policy and/or any other legal requirements.

**E. Provisions Governing the Circumstances in Which – and Conditions by Which Forms of Restraint May and May Not Be Used.**

### **1. Authorized Use of Restraint.**

#### **a. General.**

- i. Restraint may only be used by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.
- ii. The determination of whether the use of restraint is justified in a specific instance must be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others.

iii. Restraint may only be used to ensure the immediate physical safety of any person when there is a substantial and imminent risk of serious bodily harm to the student or others.

iv. Restraint shall never be used either explicitly or implicitly as punishment for the behavior of a child.

v. Restraint will not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious bodily harm.

vi. Restraint will be discontinued immediately if a child demonstrates signs of one or more of the following: difficulty breathing; choking; vomiting; bleeding; fainting; unconsciousness; discoloration; swelling at points of restraint; cold extremities, or similar manifestations.

b. **Restraint Periods Exceeding 15 Minutes.** Pursuant to RSA 126-U:11, no period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the Superintendent or Principal to provide such approval.

*However, no period of restraint of a student may exceed 30 minutes unless an assessment of the mental, emotional, and physical well-being of the student is conducted by an employee trained and authorized to make such assessments. Such assessments shall be repeated at least every 30 minutes during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained as part of the Written Notification required in Section G.1.c, below.*

**2. Prohibition of Certain Forms of Restraint.** The use of any dangerous restraint technique as defined in Section B, above, is prohibited. Additionally, medical and mechanical restraints are prohibited except that limited mechanical restraint may be used in transportation as described in and subject to the conditions set forth in paragraph 3, of this Section.

**3. Limited Use of Mechanical Restraints During Transportation.** Pursuant to RSA 126-U6, the use of Mechanical Restraints is generally prohibited. However, RSA 126-U:12 allows the use of mechanical restraint during transportation when case-specific circumstances dictate that such methods are necessary.

Whenever a student is transported to a location outside the school, the Superintendent or designee will ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the student in a manner which:

- a. Prevents physical and psychological trauma;
- b. Respects the privacy of the child; and
- c. Represents the least restrictive means necessary for the safety of the child.

Whenever a student is transported using mechanical restraints, the Superintendent or designee will document in writing the reasons for the use of the mechanical restraints as described in Section G.3 below.

**4. Reporting and Notification.** Any occurrence or incident or occurrence in which restraint is used shall be followed by reports and notification as described in Section G, below.

## **F. Use of Seclusion.**

### **1. Circumstances in Which - and Conditions by Which - Seclusion May and May Not Be Used.**

- a. Seclusion may only be used by personnel trained in the proper use of seclusion as provided in Section C, above.
- b. Seclusion may only be used when a student's behavior poses a substantial and imminent risk of physical harm to the student or others and may only continue until that danger has dissipated.
- c. Seclusion shall only be used after other approaches to the control of behavior have been attempted and been unsuccessful or are reasonably concluded to be unlikely to succeed based on the history of actual attempts to control the behavior of a particular child.
- d. Seclusion will not be used explicitly or implicitly as a form of punishment or discipline for the behavior of a student.
- e. Seclusion shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

### **2. Conditions of Seclusion.** When seclusion is permitted under this policy,

- a. it may only be imposed in rooms which:
  - i. Are of a size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them.
  - ii. Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located.
  - iii. Are equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located.
  - iv. Are free of any object that poses a danger to the children being placed in the rooms.
  - v. Have doors which are either not equipped with locks or are equipped with devices that automatically disengage the lock in case of an emergency. For the purposes of this subparagraph, an "emergency" includes, but is not limited to:
    - A. The need to provide direct and immediate medical attention to a child;
    - B. Fire;
    - C. The need to remove a child to a safe location during a building lockdown; or
    - D. Other critical situations that may require immediate removal of a child from seclusion to a safe location.
- b. Each use of seclusion shall be directly and continuously visually and auditorily monitored by a person trained in the safe use of seclusion (e.g., in person, window with accommodation for sound, video with audio feed).

**3. Required Use of Co-Regulators.** When seclusion is used, the Principal, or when the principal is not immediately available, their designee or the then supervising employee, shall designate a co-regulator to monitor the child and develop a plan to help the child manage their state of regulation and their return to a less restrictive setting. The co-regulator shall check the child at regular intervals not to exceed 30 minutes in length. The co-regulator shall be selected and designated in the following order of preference:

- a. A trusted adult selected by the child.
- b. A clinician or counselor trained in trauma informed practices.
- c. A staff member known to have a positive relationship with the child.
- d. A staff member who was NOT involved in the incident that led to seclusion.

4. Reporting and notification. Any occurrence or incident in which seclusion is used shall be documented and followed with reports and notification as described in Section G, below. Multiple incidents of seclusion/restraint may be present within a single occurrence, and should be individually described within the reports and notifications.

#### **G. Reporting, Notification and Record Keeping Requirements.**

**1. Restraint and Seclusion.** Whenever restraint or seclusion has been used on a child, the following shall apply:

a. Immediate verbal report to Principal, designee or then current supervising employee: Immediately after the occurrence of seclusion or restraint and any threat to safety is no longer imminent, the employee who uses seclusion or restraint shall provide verbal notice to the Principal, principal's designee or other supervising employee on duty.

b. Initial Notification to Parent/Guardian: Upon receipt of a report of the use of seclusion or restraint, and unless prohibited by court order, the Principal, principal's designee or other supervising employee who received the immediate verbal report described in Paragraph G.1.a, shall make reasonable efforts to contact the child's parent or guardian as soon as is practicable, but no later than the time of the return of the child to the parent/guardian or the end of the business day, whichever is earlier. The form of notice shall be in the manner calculated to give the parent/guardian actual notice of the incident at the earliest possible time.

c. Written Notification to Superintendent: Within five business days of the use of seclusion or restraint, the employee who used seclusion or restraint on a child, will, with the assistance of the Principal or other employee who received the immediate verbal report (or if the employee is not available, the Principal or other recipient of the immediate report) will submit written notification on the form provided by the New Hampshire Departments of Education and Health and Human Services (the "DOE/DHHS form") to the Superintendent. In the absence of the availability of the DOE/DHHS form, the submission shall nonetheless be in writing and include all of the information required under RSA 126-U:7, II. The DOE/DHHS form or other writing used will be referred to as the Written Notification.

If the use of restraint on a child exceeded 30 minutes, the Written Notification shall also include information pertaining to the assessments described in Section E.1.b, above.

d. Written Information to Parent/Guardian: Unless prohibited by court order, within 2 business days of receipt of the Written Notification, the Superintendent/designee shall send by USPS first class mail, or transmit by electronic means, to the child's parent/guardian all of the information included in the Written Notification or the Written Notification itself.

e. Final Investigation and Report: The Superintendent or Superintendent's designee shall review and investigate each incident of seclusion or restraint for a determination as to whether the use complied with this policy, RSA 126-U and Ed 1201-1203. After the completion of a reasonable review/investigation, the Superintendent or her/his designee, shall follow the Written Notification with a Final Report of the incident. The Final Report should include findings and conclusions, the documentary and other physical evidence (or summary of oral evidence), and a description of actions taken in response to those findings and conclusions

**2. Additional Reporting Required for Injury or Death of a Child Subject to Restraint or Seclusion.** In cases involving serious injury or death to a child subject to restraint or seclusion in a school, the Principal/Superintendent designee shall, in addition to the reports and notifications described above, and in accordance with the provisions of RSA 126-U:7, notify the Commissioner of the Department of Education, the New Hampshire Attorney General, and the New Hampshire Disability Rights Center using the contact information provided by the Department of Education. Such notice shall include the Official/Written Notification required in Section G.1.c, above.

**3. Additional Documentation Regarding Use of Mechanical Restraint.** Whenever a child is transported using mechanical restraints, the person(s) completing the Official Report Form/written notification described in G.1.c, above, shall include the reasons for the use of mechanical restraints. Such documentation shall be treated and retained as a notification of restraint under RSA 126-U:7.

**4. Documentation for Other Intentional Physical Contact Between Employee and Student.** The following shall apply whenever there is an instance where a school employee or designated volunteer has intentional physical contact with a student in response to a student's aggressive misconduct or disruptive behavior.

a. Notice to parents: the Principal, designee or other supervising employee will make reasonable efforts to promptly notify the student's parent or guardian. *Such notification shall be made no later the time of the return of the child to the parent/guardian or the end of the business day, whichever is earlier.* The form of notice shall be in the manner calculated to give the parent/guardian actual notice of the incident at the earliest possible time.

b. Physical Contact Written Description: Unless the incident is subject to the notice and reporting requirements of Section G.1 above, the Principal shall prepare a written description of the incident ("Physical Contact Written Description") of the incident within five (5) business days of the occurrence/incident. The Physical Contact Written Description will include:

- i. The date and time of the incident.
- ii. A brief description of the actions of the child before, during, and after the occurrence.
- iii. The names of the persons involved in the occurrence.



iv. A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.

v. A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.

**5. Circumstances when Reporting/Notification is not Required.** The notification, reporting and record keeping requirements included in this Section G are not required in the following circumstances:

a. When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. If, however, the child is actively combative, assaultive, or causes self-injury while being escorted, then the notification requirements described above are applicable.

b. When actions are taken such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.

c. When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the notification and reporting requirements described above.

**6. Retention of Records.** All reports, notifications and other records created pursuant to this Section, or Sections H, I or J, shall be retained [the term of the student's enrollment plus three years,] unless:

a. the student is or was a student with an individualized educational program, in which case, the records shall be retained and destroyed in accordance with paragraph B.1 of Board policy **EHB**; or

b. a longer period is required pursuant to instruction by the Department of Education or the Department of Health and Human Services.

**H. Mandatory Reporting of Violations by Others.** Any school employee who has reason to believe that the action of another may constitute a violation of this policy, or the provisions of RSA 126-U, must report the suspected violation to the Principal or Superintendent in accordance with the reporting procedures of Board policy **GBEAB**. The conduct giving rise to the suspected violation may ~~well likely~~ require reporting under Board policies **JLF** – Reporting Child Abuse or Neglect.

**I. Complaints of Violation of RSA 126-U.** Any individual may file a complaint with the Superintendent's office alleging a violation of this policy or RSA 126-U. The complainant should be encouraged to file the complaint in writing with the information listed in paragraph 1 below, but if declined, the Superintendent/designee should promptly prepare a written summary of the complaint with such information as could be obtained from the complainant. The complaint should be made as soon as possible after the incident. (Note that under Ed 1203.02, complaints to the New Hampshire Department of Education made more than twelve months after an incident will be dismissed by the Department.)

1. Complaint Contents. The written complaint or complaint summary should include:

- a. The complainant's name, unless the complaint refuses;
- b. The date or approximate date of the alleged incident;
- c. The location of the alleged incident;
- d. The name of the child or children subject to the alleged restraint or seclusion, if known;
- e. The name of the school personnel alleged to have restrained or secluded the child, if known;
- f. A description of the alleged restraint or seclusion; and
- g. The date of complaint.

**2. Investigation and Resolution of Complaint.** The complaint or grievance will be investigated by the Superintendent, or another person designated by the Superintendent. The Complainant should be contacted no later than 5 business days (excluding school year vacations) following the date of the complaint.

In most cases, investigation of the complaint should be completed within 20 days following receipt of the complaint. If the Superintendent is not personally conducting the investigation, however, the extension of time must first be approved by the Superintendent. When extra time is required, the reasons for the extension should be included in the final investigative report.

A written investigative report of the findings and conclusions (whether the complaint is founded or unfounded) should be completed within five days of completion of the investigation. In addition to findings and conclusions, the investigative report must include the documentation of the evidence (or summary of oral evidence) relied upon.

The Superintendent will contact the complainant within 5 days after the report is completed to discuss the completion of the investigation. The amount of information provided is dependent on the nature of the complainant and the legal privacy of the concerned parties. If the complainant is the parent or guardian of the child concerned, the Superintendent may allow the parent/guardian access to the written report in the same manner as any other student record.

The Superintendent shall take such actions as are appropriate in light of the investigative report, including, without limitation, any mandatory or discretionary reports to outside agencies, employee discipline, ordering further investigation, training, etc..

Any further review of the original complaint or investigative report will be in accordance with other established processes, e.g., grievance processes within applicable collective bargaining agreements, Board policies relating to complaints such as found in **{\*\*}** KEB and **{\*\*}** GBK.

The written complaint/complaint summary, the investigative report, evidence and other documents concerning the complaint shall be retained in accordance with Ed 1202.02(e).

**J. Review of IEP or 504 Plan Following the Use of Restraint or Seclusion.** Pursuant to RSA 126-U:14, upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the Individual Educational Program (IEP) and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion.

If there have been multiple instances of restraint or seclusion of a child with a disability since the last IEP/504 plan review, an additional review shall occur at the request of the parent or guardian of the child.

**K. Prohibition Against Retaliation or Harassment.** No person shall subject any individual to harassment or retaliation for filing, in good faith, a report under this policy, RSA 126-U, or Department of Education Rules Ed 1200. **Dissemination of Policy.** A copy of this policy shall be provided to the parent, guardian, or legal representative of each full or part-time student upon enrollment, and annually thereafter printed in each student handbook. Additionally, the policy will be included on each school's website and/or the online School Board Policy Manual available to the general public.

**L. Dissemination of Policy.** A copy of this policy shall be provided to the parent, guardian, or legal representative of each full or part-time student upon enrollment, and annually thereafter printed in each student handbook. Additionally, the policy will be included on each school's website and/or the online School Board Policy Manual available to the general public.

***Revision Dates: 5/13/2024, 10/17/2023, 7/9/2019, 12/4/2014***

**NH Statutes**

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

*RSA 169-C:29-39 Reporting Law*

*RSA 186-C Special Education*

*NH Dept of Ed Regulation*

*N.H. Code of Admin. Rules Chapter 1200 Restraint and Seclusion for Children*

*Federal Statutes*

*Section 504, 29 U.S.C. 701, et. seq.*

*Section 504 of The Rehabilitation Act of 1973*

*Policy Cross References*

*EBB School Safety*

*EHB Data/Records Retention*

*EHB-R Data/Records Retention - Local Records Retention Schedule*

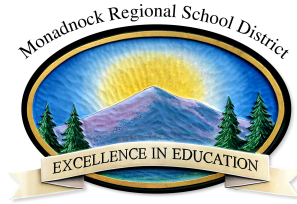
*GBEAB Mandatory Code of Conduct Reporting - All Employees*

*JLF Reporting Child Abuse or Neglect*

*JRA Student Records and Access (FERPA)*

*JRA-R Student Records and Access (FERPA)*

**Last Modified by Kristen Noonan on May 27, 2024**



Book	I: Instruction
Section	Series I
Title	Programs for Pupils with Disabilities
Code	IHBA
Status	Active
Adopted	January 1, 2009
Last Revised	December 7, 2010

## PROGRAMS FOR PUPILS WITH DISABILITIES

*While these policies are not required by law, they are highly recommended for the effective school board operations **Category Recommended*** – Also see JICD

The District shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the district, required under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and New Hampshire Law.

It is the intent of the district to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the district shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in federal and state statutes, which govern special education. For those students who are not eligible for services under IDEA, but, because of a qualifying disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the district shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, educational safeguards and educational placement. This system shall include notice and opportunity for the student's parent(s)/guardian(s) to examine relevant records, and impartial hearing with opportunity for participation by the student's parent(s)/guardian(s), and representation by counsel, the right to be represented by legal counsel and review procedure.

The district recognizes its obligation to provide an education for all students determined to be educationally disabled and in need of special education and related services. This obligation shall begin when a student reaches three years of age and shall continue until the student's 21<sup>st</sup> birthday or until such time as he/she receives a high school diploma, whichever occurs first, or until the child's Individualized Education

Program (IEP) Team determines that the child no longer requires special education in accordance with federal and state law. At the discretion of the Superintendent and/or his/her designee, students who reach the age of 21 during the academic year may be allowed to complete the remainder of the school year.

Dates of Revisions: 12/7/2010; July 2004, May 2006, August 2007

**Policy References:**

Legal References:

20 U.S.C. §1400 et seq., Individuals with Disabilities Education Act

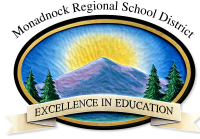
34 C.F.R. §300 et seq., Assistance to the States for the Education of Children with Disabilities

RSA 186-C, Special Education

N.H. Code of Administrative Rules, Section Ed. 1100, Standards for the Education of Students with Disabilities

**Policy Cross References:**

**Last Modified by Lillian Sutton on June 29, 2017**



Book	I: Instruction
Section	Series I
Title	DRAFT of Programs for Pupils with Disabilities
Code	IHBA
Status	
Adopted	January 1, 2009
Last Revised	May 14, 2024

## PROGRAMS FOR PUPILS WITH DISABILITIES

### A. PROGRAMS AND SERVICES

The District shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the district, required under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans With Disabilities Act (Title II), and New Hampshire Law. These laws include procedures for identification, evaluation, placement, and delivery of services to children with disabilities.

Disabilities are defined differently under the IDEA than under Section 504 and Title II. While the IDEA focuses on special educational services for children with disabilities and the related rights afforded to eligible students and their parents, Section 504 and Title II focus on the focus on the nondiscrimination rights of students as well as other individuals with disabilities who are not students, such as family members with disabilities, and members of the public with disabilities seeking information from, or access to, the services, programs, and activities of the public school. Such rights can include the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met.

While all students who are eligible for special education and related services under the IDEA are protected by Section 504 and Title II, not all students protected by Section 504 and Title II are eligible for services under the IDEA. In other words, students may be disabled within the meaning of Section 504 and Title II even though they do not require services and specially designed instruction pursuant to the IDEA.

An IDEA-eligible student is entitled to receive special education and related services when the student reaches three years of age and continues until the student's 22<sup>nd</sup> birthday or until such time as he/she receives a regular high school diploma, whichever occurs first, or until the student's Individualized Education Program (IEP) Team determines that the student no longer requires special education in accordance with federal and state law. At the discretion of the Superintendent and/or his/her designee, students who reach the age of 22 during the academic year may be allowed to complete the remainder of the school year.

### B. NOTICE OF PROCEDURAL SAFEGUARDS

1. IDEA SAFEGUARDS. For IDEA-eligible students, the District utilizes the New Hampshire Special Education Procedural Safeguards, which can be accessed through the New Hampshire Department of Education website or obtained from the District's *Special Education/Student Services Office*.

The District will provide a copy of New Hampshire Procedural Safeguards in Special Education to the parents/guardians of a child with a disability one time per year. This is typically done at each annual IEP team meeting. A copy shall also be given to the parents:

- a. Upon initial referral or parent request for evaluation;
- b. Upon receipt of the first request for a due process hearing filed in a school year;
- c. Upon receipt of the first State complaint in a school year;
- d. Upon request by a parent; and
- e. In accordance with the discipline procedures in §300.530(h).

Further information regarding special education procedures and services is available through the District *Special Education/Student Services Office*, and in the District's Special Education Policy and Procedures Manual, a copy of which is available through that office.

2. SECTION 504 SAFEGUARDS. For procedural safeguards relative to Section 504, the District utilizes the "Notice of Parent and Student Rights Under Section 504", and administrative document coded as IHBA-R.

The Superintendent or Superintendent's designee shall assure that the Notice of Parent and Student Rights Under Section 504 is updated annually to reflect current contact information consistent with the annual update of policy AC-E. The District shall provide a copy of the Notice of Parent and Student Rights Under Section 504 to the parents/guardians of a child with a disability one time per year. This is typically done at each Section 504 team meeting.

#### District Policy History:

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

*District revision history:*5/14/2024, 12/7/2010; July 2004, May 2006, August 2007

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

#### NH Statutes

RSA 186-C

#### Description

[Special Education](#)

#### NH Dept of Ed Regulation

N.H. Code of Admin. Rules, Sect. Ed. 1100

#### Description

[Standards for the Education of Students With Disabilities](#)

#### Federal Regulations

34 C.F.R. § 104

34 C.F.R. § 300 et seq.

#### Description

[Nondiscrimination on the Basis of Handicap](#)

[Assistance to the States for the Education of Children with Disabilities](#)

#### Federal Statutes

20 U.S.C. § 1400-1417

20 U.S.C. §§1400 et seq.

29 U.S.C. §794

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

#### Description

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

[Individuals with Disabilities Education Law](#)

[Rehabilitation Act of 1973 \(Section 504\)](#)

[Title II of The Americans with Disabilities Act of 1990](#)

Cross References

#### Code

AC

AC-R(1)

AC-E(1)

ACE

IHBAA

IHBAA-R(1)

IHBAA-R(2)

IHBAB

IHBAC

IHBAM

IKFC

JICD

JICD-R(1)

JICK

JICK-R(1)

JICK-R(2)

JICK-R(3)

#### Description

[Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan](#)

[Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Title IX Grievances](#)

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

[Procedural Safeguards: Non-Discrimination on the Basis of Handicap/Disability](#)

[Evaluation Requirements for Children With Specific Learning Disabilities](#)

[Evaluation Requirements for Children With Specific Learning Disabilities - Special Education Evaluation Procedures](#)

[Evaluation Requirements for Children With Specific Learning Disabilities - Special Education Evaluation Procedures](#)

[Special Education Evaluations](#)

[Developmental Delay as Qualifying Disability](#)

[District Special Education Policy and Procedures Manual](#)

[Alternative Diploma for Students with Cognitive Disabilities](#)

[Student Discipline and Due Process](#)

[Student Discipline and Due Process - Memorandum of Understanding](#)

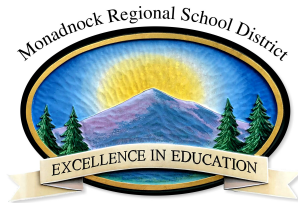
[Pupil Safety and Violence Prevention](#)

[Pupil Safety and Violence Prevention - Report Form](#)

[Pupil Safety and Violence Prevention - Bullying Report Form](#)

[Pupil Safety and Violence Prevention - School Board Notification of Bullying Report](#)

Last Modified by Kristen Noonan on May 27, 2024



Book	I: Instruction
Section	Series I
Title	Procedural Safeguards for Children with Disabilities
Code	IHBA-R
Status	Active
Adopted	August 14, 2012
Last Revised	September 1, 2016

## Procedural Safeguards for Children with Disabilities

The District will ensure that all procedural safeguards for children with learning disabilities are consistent with applicable state and federal laws and regulations. All staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Special Education Policies and Procedures Manual.

### **Legal References:**

*NH Code of Administrative Rules, Section Ed 1107.02(b), Evaluation Requirements for Children With Specific Learning Disabilities*  
 Appendix [IHBA-A-R](#)  
 Revised: September 2016

*Updated: April 3, 2018*

**Last Modified by Lillian Sutton on February 17, 2020**





Book	I: Instruction
Section	Series I
Title	DRAFT of Procedural Safeguards for Children with Disabilities
Code	IHBA-R
Status	First Reading
Adopted	August 14, 2012
Last Revised	May 14, 2024

## Programs for Pupils with Disabilities - Section 504 - Notice of Parent & Student Rights

### **Notice of Parent and Student Rights under Section 504 Rehabilitation Act of 1973**

The Rehabilitation Act of 1973, commonly referred to as “Section 504,” is a nondiscrimination statute enacted by the United States Congress. The purpose of the act is to prohibit discrimination and to ensure that disabled students have educational opportunities and benefits comparable to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having a physical or mental impairment that substantially limits a major life activity such as, but not limited to learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

**Dual Eligibility:** Many students will be eligible for education services under both Section 504 and the Individuals With Disabilities Education Act (IDEA). Students who are eligible under IDEA have many specific rights that are not available to students who are eligible solely under Section 504. An explanation of procedural safeguards for New Hampshire students eligible for services under the IDEA may be found in the "New Hampshire Special Education Procedural Safeguards Handbook available through the school district's Special Education/Student Services ~~Office/Department~~ and sets out the rights assured by IDEA.

It is the purpose of this notice to set out the rights assured by Section 504 to those disabled students who do not qualify under IDEA. The enabling regulations for Section 504 as set out in 34 CFR Part 104 provides parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (34 CFR §104.32)
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. (34 CFR §104.33)
3. Your child has the right to free educational services except for those fees that are also imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or to pay for services provided to a disabled student. (34 CFR §104.34)
4. Your child has a right to placement in the least-restrictive environment. (34 CFR §104.34)
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 CFR §104.34)
6. Your child has a right to an evaluation prior to an initial Section 504 placement and prior to any subsequent significant change in placement. (34 CFR §104.34)
7. Testing and other evaluation procedures must conform to the requirements of 34 CFR §104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, such as assessment, aptitude and achievement tests, teacher recommendations, physical condition or medical reports, student grades, progress reports, parent observations, and anecdotal reports. (34 CFR §104.35)
8. Placement decisions must be made by a group of persons (i.e., the Section 504 Committee) including persons knowledgeable about your child, the meaning of the least-restrictive environment, and comparable facilities. (34 CFR §104.36)
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 CFR §104.35) You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. (34 CFR §104.36)
10. You have the right to examine relevant records. (34 CFR §104.36)
11. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with the opportunity for parental participation in the hearing and representation by an attorney. (34 CFR §104.36)
12. If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Coordinator within 30 calendar

days from the time you receive written notice of the Section 504 Committee's action(s).

~~Name~~ Director of Student Services  
~~Contact information~~ Address: 600 Old Homestead Highway, Swanzey, NH 03446  
 Telephone: 603-903-6967

**NOTE:** This information should match the information provided in the annually updated AC-E (\*\*), and should be included in student/parent handbooks.

A hearing will be scheduled before an impartial hearing officer, and you will be notified in writing of the date, time, and place for the hearing.

13. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. (34 CFR §104.36)
14. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
15. You also have the right to file a complaint with the Office of Civil Rights. The address of the Regional Office with jurisdiction in New Hampshire is:

Office for Civil Rights  
 U.S. Department of Education,  
 5 Post Office Square  
 Boston, Massachusetts 02109-3921  
 Tel: (617) 289-0111  
 TTY: (877) 521-2172  
 FAX: (617) 289-0150  
[OCR\\_Boston@ed.gov](mailto:OCR_Boston@ed.gov)  
 Web Contact: [www.ed.gov](http://www.ed.gov)

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

Appendix [IHBAA-R](#)  
 Revised: September 2016

Updated: [5/14/2024](#), April 3, 2018

#### NH Statutes

RSA 186-C

#### Description

[Special Education](#)

#### NH Dept of Ed Regulation

N.H. Code of Admin. Rules, Sect. Ed. 1100

#### Description

[Standards for the Education of Students With Disabilities](#)

#### Federal Regulations

34 C.F.R. § 104

34 C.F.R. § 300 et seq.

#### Description

[Nondiscrimination on the Basis of Handicap](#)

[Assistance to the States for the Education of Children with Disabilities](#)

#### Federal Statutes

20 U.S.C. § 1400-1417

20 U.S.C. §§1400 et seq.

29 U.S.C. §794

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

#### Description

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

[Individuals with Disabilities Education Law](#)

[Rehabilitation Act of 1973 \(Section 504\)](#)

[Title II of The Americans with Disabilities Act of 1990](#)

#### Cross References

#### Code

AC

AC-R(1)

AC-E(1)

ACE

IHBAA

IHBAA-R(1)

IHBAA-R(2)

IHBAB

IHBAC

IHBAM

IKFC

#### Description

[Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan](#)

[Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Title IX Grievances](#)

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

[Procedural Safeguards: Non-Discrimination on the Basis of Handicap/Disability](#)

[Evaluation Requirements for Children With Specific Learning Disabilities](#)

[Evaluation Requirements for Children With Specific Learning Disabilities - Special Education Evaluation Procedures](#)

[Evaluation Requirements for Children With Specific Learning Disabilities - Special Education Evaluation Procedures](#)

[Special Education Evaluations](#)

[Developmental Delay as Qualifying Disability](#)

[District Special Education Policy and Procedures Manual](#)

[Alternative Diploma for Students with Cognitive Disabilities](#)

**Code**

JICD

JICD-R(1)

JICK

JICK-R(1)

JICK-R(2)

JICK-R(3)

**Description**

Student Discipline and Due Process

Student Discipline and Due Process - Memorandum of Understanding

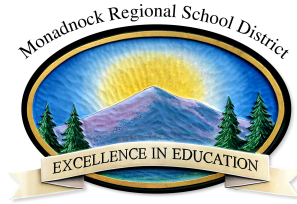
Pupil Safety and Violence Prevention

Pupil Safety and Violence Prevention - Report Form

Pupil Safety and Violence Prevention - Bullying Report Form

Pupil Safety and Violence Prevention - School Board Notification of Bullying Report

Last Modified by Kristen Noonan on May 27, 2024



Book	G: Personnel
Section	Series G
Title	Professional/Staff Positions (Criminal History Records Check)
Code	GBCD-R
Status	Active
Last Revised	January 7, 2020

**TECHNICAL ASSISTANCE ADVISORY**  
**Prepared by the Department of Education and the Department of Safety**

**SCHOOL EMPLOYEE BACKGROUND INVESTIGATION,  
INCLUDING A CRIMINAL HISTORY RECORDS CHECK**

**Purpose.**

The purpose of this Technical Assistance Advisory is to provide clear and concise requirements for School Administrative Units (hereinafter, the "SAU"), School Districts, and Charter Schools with respect to a school employee background investigation, including a Criminal History Records Check, for each selected applicant regularly in contact with pupils in the performance of his/her duties.

**Definitions**

The following definitions shall apply:

- (a) "Background investigation" means an investigation into the past employment and another background of a selected applicant in an SAU, School District, or Charter School or an employee or employees of a contractor which contracts with an SAU, School District, or Charter School with the intent of determining whether:
1. The applicant is qualified for the position for which he/she has applied, and
  2. The applicant has been found guilty of any criminal activity or conduct that would make him/her ineligible for employment.
- (b) "Conditional offer of employment" means an offer of employment extended to a selected applicant subject to a successfully completed Criminal History Records Check which is satisfactory to the SAU, School District, or Charter School.
- (c) "Contractor" means a private business or agency or an employee or employees of the contractor which contracts with an SAU, School District, or Charter School to provide services, including but not limited to:
1. cafeteria workers,

2. school bus drivers,
3. custodial personnel, or
4. any other direct service or services to students of the District or Charter School.

(d) "Criminal History Check" means a Criminal History Record inquiry conducted by the New Hampshire State Police through its records and through the Federal Bureau of Investigation (hereinafter, the "FBI").

(e) "Persons regularly in contact with pupils" means a person or persons who, in the performance of his/her duties:

1. Comes in direct contact with pupils on a daily basis for any period of time;
2. Meets regularly, once or twice a week, with students, including, but not limited to, an art, music, or physical education teacher; or
3. A substitute teacher who comes in direct contact with pupils on a limited basis.

(f) "School employee" means an employee in any position in an SAU, School District, or Charter School.

(g) "Selected applicant" means a person selected for employment who has provided an SAU, School District, or Charter School with:

1. A signed notarized Criminal History Release Form, and
2. A complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of an SAU, School District, or Charter School which have been submitted by an SAU, School District, or Charter School to the New Hampshire State Police for a Criminal History Check.

(h) "Subcontractor" means a private business or agency or an employee or employees of a contractor which contracts with a contractor to provide services.

### **Employee Background Investigation.**

Each SAU, School District, or Charter School, as part of the employment process, shall conduct an employee background investigation for each selected applicant for employment.

### **Criminal Records Check.**

(a) For each selected applicant the SAU, School District or Charter School shall submit, with appropriate fees, a notarized Criminal History Records release form and a complete set of fingerprints to the New Hampshire State Police so that the State Police can conduct a Criminal History Record Inquiry through its records and through the FBI.

(b) No selected applicant may be extended a conditional offer of employment unless the SAU, School District or Charter School has initiated a Criminal History Records Check.

(c) A Criminal History Records Check shall be prepared in compliance with RSA 189:13-a and with New Hampshire Department of Safety requirements included in this advisory.

(d) The Department of Safety shall submit the results of a Criminal History Records Check to a selected applicant's prospective employer(s) and the Department of Education.

(e) The SAU, School District, and the Charter School shall assure confidentiality of an employees' Criminal Record Report upon receipt of that report from the Division of State Police and the FBI.

1. If there is no criminal history indicated the results are destroyed immediately upon receipt from the State of New Hampshire.
2. If a criminal history is indicated the superintendent of schools is immediately notified. The information then must be destroyed within thirty days and the appropriate action as to the employment of that employee will be taken immediately.

(f) No selected applicant shall be extended a final offer of employment if such person has been convicted of:

1. Murder,
2. Child pornography,
3. Aggravated felonious sexual assault,
4. Felonious sexual assault, or
5. Kidnapping.

(g) An SAU Board, School Board, or a Charter School Board of Trustees may deny a selected applicant a final offer of employment if such person has been convicted of conduct in addition to (f) above, as determined by the SAU, School District, or Charter School. The governing body must adopt a policy to allow this prerogative.

### *Monadnock uses the Local Police Departments*

#### **Police Check**

(a) The law (RSA 189:13-a) requires that an SAU, School District, or Charter School must submit to the State Police a complete set of fingerprints and a release form for each individual covered by the law. The State Police must conduct a New Hampshire Criminal Records Check and will forward the fingerprints to the FBI for a national records check. The FBI will not conduct that check without a proper set of fingerprints.

(b) The State Police will provide to each SAU, School District, and Charter School a set of records release forms and fingerprint cards. The record release forms and fingerprint cards, provided by the State Police, will be the only types of forms which will be accepted. However, each SAU, School District, or Charter School may reproduce the release form as is necessary.

(c) The selected applicant will complete the release form and bring the fingerprint card to a person qualified to take fingerprints. Depending on arrangements which have been made by the District, this may be a local law enforcement agency or a trained individual employed by the SAU, School District, or Charter School. The release form and the fingerprints must be provided by the selected applicant to the SAU, School District, or Charter School.

(d) The SAU, School District, or Charter School will then forward the release form and the fingerprints to the State Police. The submission of the release form and the fingerprints must be accompanied by the proper fees, which cover the cost of both the State and Federal Records Checks. Inadequate fees will delay the process. The fees are as follows:

For selected applicants - \$34 plus postage.

(e) The Criminal History Records Check done by the FBI will take a minimum of 30 days. The FBI will forward the results to the State Police, and the State Police will notify the persons named on the release forms of the results. The FBI will destroy the fingerprint cards once the check has been completed. No copy of the fingerprints will be kept by the State Police.

(f) The results of the completed Criminal History Records Checks by the State Police will be sent separately from the completed Criminal History Records Checks by the FBI.

### **Criminal History Records Checks by the State Police for Persons Who Work for Several Districts.**

(a) Employees of multiple School Districts will submit the proper release form, fingerprints, and fees to one of the Districts.

(b) The release form will identify each District, and the employee will provide the results to each District.

(c) The fee for this type of check will be the same as if the applicant was employed by only one District.

### **Fingerprints.**

(a) The two overriding issues with respect to the fingerprints are that they are taken properly and that they are placed on the fingerprint cards supplied by the State Police.

(b) The question of who actually takes the fingerprints is left to the District. The law allows this to be done by a "qualified law enforcement agency or an authorized employee" of the SAU, School District, or Charter School.

(c) In some cases, then, the prints may be taken by the local law enforcement agency. Local law enforcement must use the fingerprint cards supplied to the District by the State Police.

### **Conditional Offer of Employment.**

(a) An SAU, School District, or Charter School may extend a conditional offer of employment to a selected applicant, with a final offer of employment subject to a successfully completed Records Check including a Criminal History Records Check.

(b) A selected applicant extended a conditional offer of employment shall be eligible for the same salary and fringe benefits as if he/she were provided a final offer of employment.

(c) A conditional offer of employment may continue during the time the SAU, School District, or Charter School is awaiting receipt of a completed Records Check including a Criminal History Records Check report.

(d) In the event that the first set of fingerprints is invalid and the second set of fingerprints is necessary in order to complete the Criminal History Records Check, the conditional offer of employment shall remain in effect.

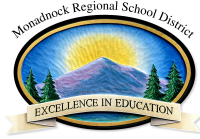
(e) A conditional offer of employment for a selected applicant shall be valid for no more than one submission of fingerprints.

Policy Cross References:

- » GBCD - Criminal History Records Check/ Background Investigation
- » GBCD-R-1 - Technical Advisory (update)

**Last Modified by Lillian Sutton on February 3, 2020**





Book	G: Personnel
Section	Series G
Title	DRAFT of Professional/Staff Positions (Criminal History Records Check)
Code	GBCD-R-RG
Status	First Reading
Adopted	May 14, 2024

### Criminal History Records Information Internal Controls and Procedures

A. **Purpose.** This procedural document outlines the responsibilities and protocols required relative to receipt, access, retention and destruction of criminal history record information obtained through the criminal history records check required under RSA 189:13-A and Board policy **{\*\*}**GBCD.

B. **Definitions.** Except as noted relative to New Hampshire law or Board policy, the definitions are based on those provided in the *Criminal Justice Information Services Security Policy*, (Version 5.9.2 as of August 2023) of the Federal Bureau of Investigation, Criminal Justice Information Services Division (the "CJIS Security Policy").

1. **Criminal Justice Information ("CJI")** – refers to all of the data provided through the Federal Bureau of Investigation's ("FBI") criminal justice information system ("CJIS") including, but not limited to biometric, identity history, biographic, property, and case/incident history data.
2. **Criminal History Records Information ("CHRI")** – is a subset of CJI, including: information, notations or other written or electronic evidence of an arrest, detention, complaint, indictment, information or other formal criminal charge relating to an identifiable person that includes identifying information regarding the individual as well as the disposition of any charges. For purposes of this document **{\*\*}**GBCD-AP, CHRI will also include all of the information received through the New Hampshire State Police pursuant to RSA 189:13-a regarding the criminal history of a "covered person" (as defined in **{\*\*}**GBCD) whether or not such information is received by or through the CJIS.

Due to its sensitive nature, and pursuant to regulations of the FBI, additional controls beyond those stated in RSA 189:13-a are required for the access, use and dissemination of CHRI.

3. **"Authorized Person" & "Authorized Personnel"** - an individual ("Authorized Person"), or group of individuals ("Authorized Personnel"), who have been appropriately vetted through a national fingerprint-based record check and have been granted access to CHRI data. However, pursuant to RSA 189:13-a, only the Superintendent or her/his "Designee" as defined under Board policy **{\*\*}**GBCD qualify as "Authorized Personnel". See Section D, below for requirements for training of Authorized Personnel.
4. **Electronic Media** - includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.
5. **Physical Media** - includes printed documents and imagery.

#### C. **Designated Points of Contact.**

Each Authorized Person may serve as a point of contact ("POC") for communications with the FBI, or with the New Hampshire State Police, Justice Information Bureau, as the state CJIS agency ("CSA"), regarding such matters as (i) CHRI audits, (ii) changes to Authorized Personnel within the District, (iii) CHRI training, or (iv) CHRI security as required under state or federal law.

In the event the District has only one Authorized Person, the Superintendent shall also designate a person other than the Authorized Person to serve as an "Alternate POC". Such Alternate POC will not have access to CHRI (i.e., the Alternate POC is not an "Authorized Person"), but may engage in communications as described in this paragraph, especially in the absence of an Authorized Person. (Hereafter, the/a "POC" will mean and include any Authorized Person/nel as well as the Alternate POC.) In addition to communications with the CSA and FBI as described above, the POC will support policy compliance, including such matters as:

1. Using the New Hampshire State Police Criminal Records Portal (the "NH Criminal Records Portal"), documentation of approved hardware, software, and firmware;
2. Using the NH Criminal Records Portal, communications regarding how the District's devices/network are connected to the Criminal Records Portal; and
3. Implementation and compliance with security procedures.

**D. Training of Authorized Personnel.**

The District will ensure that each Authorized Person will complete the training relative to the reading and interpretation of criminal records as required under RSA 189:13-a. Additionally, the District will ensure all persons authorized to have CHRI access will complete Security Awareness Training via CJIS Online immediately upon hire or appointment to access CHRI.

The District will ensure all Authorized Personnel complete recertification of Security Awareness Training every twelve (12) months.

The Alternate POC will keep on file the Security Awareness Training certificate on all authorized personnel.

**E. Termination or other Changes to Authorized Personnel.**

Upon an Authorized Person's separation/termination from employment with the District, a POC shall, as soon as practicable, terminate the separated employee's access to systems or physical areas that would allow access to CHRI.

In the event that there are any other additions or reductions to district employees assigned or to be assigned as Authorized Personnel, the POC will notify the CSA of the personnel changes within seven business days.

Each POC will keep an updated list of the Authorized Personnel and POC that will be available to the CSA or FBI.

**F. Access to, and Security, Storage, Retention and Destruction of CHRI.**

1. Access to and Storage of CHRI. Authorized Personnel as defined in section B.3, above, are the only persons allowed to access, view, possess, or otherwise handle CHRI whether in physical or electronic media. Any other dissemination of CHRI in any format or medium is strictly forbidden.

The Superintendent shall designate an area, a room, or a storage container as a controlled area for the purpose of day-to-day access to or storage of CHRI on physical media. CHRI on physical media will be stored at all times in a locked drawer/container at the Central Office that is only accessible to the Authorized Personnel. CHRI in physical media shall not be removed from the designated area except for destruction as provided below.

Any room, area or storage container in which CHRI is contained on physical media shall be locked whenever unattended by Authorized Personnel.

Documents or other physical media containing CHRI, and any devices through which CHRI on electronic media may be viewed, will be positioned at all times in such a way as to prevent persons who are not Authorized Personnel from accessing or viewing CHRI.

In no event shall any physical media containing CHRI be copied or transferred to any electronic media. Similarly, CHRI received and/or accessed through the New Hampshire State Police Criminal Records Portal (the "Criminal Records Portal"), shall not be transferred to physical media (e.g., printed), and shall not be saved or transferred onto any other electronic media or device.

Additionally, if CHRI is received or accessed through the Criminal Records Portal, the District will at all times use electronic media and network infrastructure security methods consistent with the CJIS Security Policy and/or as otherwise required by the CSA or FBI.

The District shall take steps necessary to prevent and protect the District from physical, logical, and electronic breaches consistent with the District's Data Governance and Security Plan and Board policy {\*\*\*}EHAB.

In no event shall a "personal device" or "personally owned information system" be used to access, view, process, store or transmit CHRI. For the purposes of this policy, "personal device" or "personally owned information system" shall include any portable technology, including, but not limited to, mobile wireless devices (e.g., Blackberries, cellphones, smart phones, tablets, etc.), personal laptops, personal desktop computers, or portable storage device (e.g., flash drive, SD card, DVD, CD, air card, etc.).

2. CHRI Exempt from Public Disclosure. CHRI is exempt from disclosure to the public under RSA 91-A:5, IV. See also, Section 4.2.1 of the CJIS Security Policy, stating that CHRI obtained from the Interstate Information Index is only accessible for an authorized purpose; and FOIA(b)(7)(c), stating that matters which are an unwarranted invasion of personal privacy are exempt from disclosure.
3. Destruction of CHRI. The District will properly sanitize or destroy physical media or electronic media with CHRI within 60 days of receipt by the District. All CHRI will be destroyed as set out below.
  - a. Physical media with CHRI shall be destroyed by one of the following:
    - i. shredding by Authorized Personnel using District-issued cross-cut shredders;
    - ii. placed in locked shredding bins for a private contractor approved by the Superintendent to come on-site and shred, witnessed by District personnel throughout the entire process; or
    - iii. incineration using District incinerators or, if conducted by non-Authorized Personnel offsite, witnessed by the Superintendent or Superintendent's designee.
  - b. CHRI on electronic media shall be removed or destroyed by one of the below methods, and computers and other digital or electronic devices or systems that have been used to process, store, or transmit sensitive information shall not be released from the District's direct control until all CHRI has been destroyed using one of the prescribed methods:

- i. Overwriting (at least three times);
- ii. Degaussing (magnetic or electric removal of magnetic data); or
- iii. Physical destruction (i.e., dismantling by methods of crushing, disassembling, etc., ensuring that the platter or other storage device has been physically destroyed so that no data can be extracted).

**G. Reporting Information Security Events.**

The District will report information security events/cybersecurity incidents involving CHRI consistent with Board policy {\*\*\*}EHAB. Additionally, the District shall promptly report incident information to appropriate authorities, including the New Hampshire State Police CSA Information Security Officer (ISO).

**H. Violations - Misuse of CHRI.**

In the event of misuse of CHRI, or violations of any provision of (a) these Internal Controls and Procedures, or (b) the CJIS Security Policy, the District will subject the employee to disciplinary action per Board policy and procedures, up to and including the termination of their employment, and the employee may face criminal prosecution.

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**District Administrative Adoption History:**

First adopted: May 14, 2024  
Revised: \_\_\_\_\_

**District Revision History:**

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

**NH Statutes**

RSA 189:13-a  
RSA 189:13-b

**Description**

School Employee and Designated School Volunteer Criminal History Records Check  
School Bus Driver & Transportation Monitor Criminal History Records Check

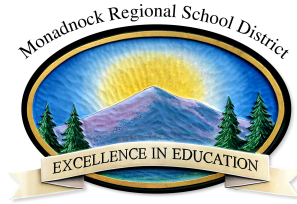
**Federal Regulations**

28 CFR Part 20

**Description**

Criminal Justice Information Systems

Last Modified by Kristen Noonan on May 27, 2024



Book	G: Personnel
Section	Series G
Title	Background Investigation and Criminal History Record Check
Code	GBCD
Status	Active
Adopted	May 4, 1993
Last Revised	December 7, 2021

## BACKGROUND INVESTIGATION AND CRIMINAL HISTORY RECORDS CHECK

**A. Background Investigation.** The Superintendent, or his/her designee, will conduct a thorough investigation into the past employment history, criminal history records, and other appropriate background of any applicant as defined in this policy. This investigation shall be completed prior to making a final offer of employment, approving the contract with an individual contracting directly with the District, or approving the assignment of an employee of a contractor, a student teacher, or "designated volunteer" (as defined in policy IJOC) to work or serve within the District. All decisions regarding employment and the pre-employment process shall conform to the District's Anti-Discrimination and Equal Opportunity policy, AC.

As part of the application process, each applicant shall be asked whether he/she has ever been convicted of any crime and whether there are any criminal charges pending against him/her at the time of application. The applicant will also be directed to report any criminal charges brought against him or her after the application is submitted and until either hired or notified that he or she will not be hired. Record of background investigations (not necessarily source documentation) shall be retained pursuant to the District's Record Retention Schedule EHB-R.

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

**C. "Covered Person" and "Applicant" Defined.** Except as otherwise provided in this Policy, the term "Covered Person" shall mean employee, coaches, trainers, designated volunteer, whether direct or through a volunteer organization, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district.

The term "**applicant**" as used in this policy shall include an applicant for employment or any person seeking to serve in any position falling with the term "covered person" as defined above.

**D. Criminal History Records Check.** As part of the District's background check, each covered person/applicant must submit to a criminal history records check through the State of New Hampshire in full

compliance with RSA 189:13-a. No covered person shall be employed, extended a conditional offer of employment (as described below), or begin service in the District, until the Superintendent, or his/her designee, has initiated the formal State and FBI criminal history records check process and a background investigation.

The applicant shall provide the District with a criminal history records release form as provided by the New Hampshire State Police along with a full set of fingerprints taken according to that statute. The release form generally authorizes the State Police to conduct a criminal history records check through its state and records of the Federal Bureau of Investigation, and to release a report of any misdemeanors and/or felony convictions, as well as any charges pending disposition for any crimes listed in the then current paragraph V of RSA 189:13-a ("Section V Offenses"). Refusal to provide the required criminal history records release form (with fingerprints) and any other required releases to authorize the criminal history records check will result in immediate disqualification of the applicant and no further consideration for the position.

**E. Exceptions for, Substitute Teachers, Bus Drivers & Bus Monitors.** The following exceptions apply only to the State Police/FBI criminal history records check provisions of this policy. The Superintendent shall, nonetheless, require a full background investigation for the excepted employees, and for applicants for school bus drivers or monitors employed directly by the District, the background check shall include a full background check, including a state criminal record release from an applicant for a bus driver or monitor for district positions.

**1. Substitute Teachers and Other Non-"Applicant" Educational Staff.** Pursuant to RSA 189:13-a, IX(a), substitute teachers and other staff who do not meet the definition of "applicant" above, may initiate a criminal history records check with the Superintendent as described above. The State Police, however, shall issue its report directly to the potential substitute teacher/staff person. The report shall be valid for 30 days from the date of issuance and constitutes satisfactory proof of compliance with RSA 189:13-a.

**2. Bus Drivers and Bus Monitors.** Pursuant to RSA 189:13-a, VI and RSA 189:13-b, criminal history records checks for bus drivers and bus monitors shall be processed through the New Hampshire Department of Education.

**F. Results of Criminal History Records Check.** The results of the criminal history records check shall be delivered to the Superintendent or designee who shall be responsible for maintaining their confidentiality.

As used in this Section F, a "designee" of the Superintendent authorized to receive and inspect results of the criminal history records check, may only be an assistant superintendent, head of human resources, the personnel director, the business administrator, or the finance director.

If the results of the records check disclose no criminal record, the results and information shall be destroyed immediately following review by the Superintendent or designee. If the results indicate criminal

conviction or indicate any charge pending disposition of a Section V Offense, then the Superintendent or designee shall review the information for a hiring decision but shall destroy the records within 60 days of receiving the information.

**Section V Offense.** If the results of the record check disclose that the Applicant or Covered Person has either been convicted or is charged pending disposition of a violation or attempted violation of a Section V offense, that person shall not receive an offer or final offer of employment.

**Non-Section V Offenses.** In addition to disqualification based upon conviction or pending charges for a Section V Offense, the District may deny a final offer of employment or permit service/work in the schools based upon convictions or charges of other misdemeanors or felonies, provided the basis for disqualifying the candidate is job-related for the position in question and is consistent with business necessity and the best interests of the students and the District. Such determination will be made by the Superintendent or designee in accordance with the established protocol and on a case-by-case basis. For non-Section V Offenses, which the applicant discloses, or which come to light during the background check, the presumption of innocence shall apply, however, the Superintendent or designee shall consider all reliable information in assessing the applicant's suitability. The Superintendent or designee shall assess whether, in light of the totality of the circumstances, the pending charges or convictions raise reasonable cause to doubt the applicant's suitability for the position.

If the Superintendent chooses to nominate an applicant who has a history of conviction or pending charges of a crime (non-Section V Offense), then the final hiring decision must be approved by the School Board, who shall be informed generally of that history in non-public session.

**G. Conditional Offer of Employment.** Persons who have been selected for employment may be given a conditional offer of employment, with the final offer subject to the successful completion of the background check, the State Police and FBI criminal history records check, and a determination that there are no disqualifying pending charges or convictions.

Any person who is offered conditional employment, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her employment or approval to work within the District as a contractor or employee of a contractor is entirely conditioned upon the results of a criminal history records check and background check being satisfactory to the District.

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

An applicant may only be extended a final offer of employment or final approval to work/serve within the District's schools upon the satisfactory completion and results of criminal history records check and background check,

**I. Fees for Criminal History Records Check.** Any applicant for whom the Board requires a criminal history records check, or, in the instance of third party contractors, the applicant's employer, shall pay the actual fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the criminal history records check, unless otherwise determined by the Board.

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

**K. Contractor and Vendor Provisions.** The Superintendent shall take such steps as are necessary to assure third party agreements which involve covered personnel to include a provision for such personnel to complete criminal history records checks as required under this policy, as well as training and information required under policy GBCE.

**L. Additional Criminal Records Checks.** The Superintendent may require a state criminal history records check of any covered person at any time to the extent permitted by law.

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

**Revision Dates:** 12/7/2021, 1/7/2020, 5/4/1993

**Legal References:**

RSA 189:13-a, School Employee and Designated School Volunteer Criminal History Records Check  
RSA 189:13-b, School Bus Driver and Transportation Monitor Criminal History Records Check  
Code of Conduct for New Hampshire Educators

**Last Modified by Lillian Sutton on December 16, 2021**

## Policy Motions and Actions from June 11, 2024

### **JJJ- ACCESS TO PUBLIC SCHOOL PROGRAMS BY NONPUBLIC, CHARTER SCHOOL AND HOME-EDUCATED PUPILS**

**MOTION:** *To update policy JJJ with NHSBA sample policy and committee edits.*

- Policy required by law
  - Committee edits
  - NHSBA note: August 2022, sample JJJ was substantially revised in conjunction with revisions to IHBG, JJA and JJJ, as well as accompanying procedural documents JJA-R and JJJ-R to better coordinate the “equal access” provisions relating to home educated and other non-enrolled district students’ participation in public school district courses, programs and activities as required under RSA 193:1-c and 193-A:6, III. In addition to the comprehensive revisions to the text of JJJ, the policy category was changed from “Recommended” to “Priority/Required by Law” to reflect the 2022 passage of HB1663, which amended 193:1-c to include such a policy.
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### **JLCJ- CONCUSSIONS AND HEAD INJURIES**

**MOTION:** *To update policy JLCJ with NHSBA sample policy and committee edits.*

- Policy required by law
- Committee edits
- NHSBA note: November 2020, revisions are to reflect the 2020 enactment of RSA 200:63 (see §16 of 2020 Laws Ch. 38). Paragraph I of the new law requires the N.H. Dept. of Education (“DOE”) to develop a concussion and traumatic brain injury return to learning “policy and plan” for school districts. Paragraph II requires each local school board to “adopt a concussion and traumatic brain injury return to learning policy school education program.” The DOE’s policy/plan will not be available until after the beginning of 2021, but there is no delay in the mandate for local boards. While ultimately, the local policy will be informed, if not, regulated by the policy to be developed by the DOE, this revised JLCJ is intended to meet the base requirements of RSA 200:63, II.



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## **AC- NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT and DISTRICT ANTI-DISCRIMINATION PLAN**

**MOTION:** *To update policy AC with NHSBA sample policy and committee edits.*

- Policy required by law
- Slight committee edits- Names from Admin
- NHSBA note: May 2024, (1) re-inserted section heading for Section A, the non-discrimination statement, as heading and section reference had been inadvertently omitted when the policy was uploaded to the new sample policy site; (2) removed "of students" formerly in that same heading, as the non-discrimination requirements apply more broadly, except as noted; (3) added USDA non-discrimination statement; and (4) added cross-reference to new policy ACF relating to USDA civil rights requirements.

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## **ACE- PROCEDURAL SAFEGUARDS: NON-DISCRIMINATION ON THE BASIS OF HANDICAP/DISABILITY**

**MOTION:** *To update policy ACE with NHSBA sample policy and committee edits.*

- Policy required by law
- NHSBA note: May 30, 2024, corrected revision note for May 2024 from IHAB to IHBA and IHAB-R to IHBA-R. May 2024 - Revised to include information pertaining to 504 plans and to redirect to samples IHBA and IHBA-R.

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## **ACF- Food and Nutrition Services:Anti-Discrimination and Civil Rights Complaints**

**MOTION:** *To adopt policy ACF NHSBA sample policy.*

- Policy required by law
- Slight committee edits
- NHSBA note: May 2024, new policy to meet specific non-discrimination statement and grievance process requirements of USDA.

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## **ADB/GBEC– DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS**

**MOTION:** *To update policies ADB/GBEC (dual-coded policy- same in each book) with NHSBA sample.*

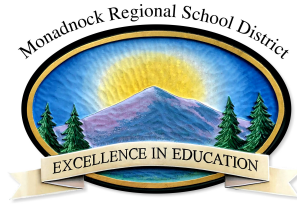
- Policies required by law
- NHSBA note: May 15, 2024 - corrected reference in D.b.i from A.5.d to A.5.c.  
May 2024 - Small revision to add federal requirement that reports by employees of a work-related drug conviction be made in writing

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## **DAFB- Equivalence in Instructional Staff and Materials**

**MOTION:** *To adopt policy DAFB NHSBA sample policy with committee edits.*

- Policy required by law
- Slight committee edits
- NHSBA note: This is a new sample policy, required by ESSA/ESEA for districts which have Title I schools, or more specifically, districts with a Title I school (with 100 or more students) in the same grade span as another District school. Grade spans include elementary schools, middle schools, high schools, and combined elementary/secondary schools. The policy details Board requirements for the District to maintain comparability of programs and services at schools throughout the District. Key elements include maintaining consistent funding year-to-year, using federal funds to supplement (not supplant) state and local resources, and ensuring all schools offer comparable services, whether or not they receive federal aid. The District must provide written assurances to the New Hampshire Department of Education, establish procedures for compliance, and maintain and update records biannually.



Book	J: Students
Section	Series J
Title	Access to Public School Programs by Nonpublic, Charter School, and Home-Educated Pupils
Code	JJJ
Status	Active
Adopted	September 4, 2018
Last Revised	August 1, 2018
Last Reviewed	August 1, 2018

### **ACCESS TO PUBLIC SCHOOL PROGRAMS BY NONPUBLIC, CHARTER SCHOOL, AND HOME-EDUCATED PUPILS**

All pupils residing in the District, whether they are home educated, or are attending public chartered school or nonpublic schools, shall have access to curricular courses and co/extra-curricular programs offered by the District in accordance RSA 193:1-c and these administrative regulations.

The District will comply with the provisions of RSA 193:1-c allowing pupils who attend nonpublic schools, charter schools or are home educated equal access to the District's curricular courses and co/extra-curricular programs. The District recognizes that any School Board policies regulating participation in curricular courses and co/extra-curricular programs, cannot be more restrictive for non-public, public chartered school, or home educated pupils than the policy governing the District's resident pupils.

#### **Legal References:**

RSA 193:1-c, Access to Public School Programs by Nonpublic, Public Chartered Schools or Home Educated Pupils.

RSA 193-A, Home Education

Related Policy: IHBG

See also Appendix: IHBG-R

**Last Modified by Lillian Sutton on September 6, 2018**



Book	J: Students
Section	Series J
Title	DRAFT- Access to Public School Programs by Nonpublic, Charter School, and Home-Educated Pupils
Code	JJJ
Status	Policy Committee Review
Adopted	September 4, 2018
Last Revised	August 1, 2018
Last Reviewed	August 1, 2018

## DRAFT

### ACCESS TO PUBLIC SCHOOL PROGRAMS BY NONPUBLIC, CHARTER SCHOOL, AND HOME-EDUCATED PUPILS

All pupils residing in the District, whether they are home educated, or are attending public chartered school or nonpublic schools (collectively, “non-enrolled district students”), shall have access to curricular courses and co/extra-curricular programs offered by the District in accordance with RSA 193:1-c.

#### **A. Equal Access to District Courses and Programs.**

Non-enrolled district students will have the same access as do enrolled students to the District’s courses and programs. Non-enrolled district students shall not be subject to any policies, procedures or standards with respect to participation in the District’s courses or programs that are more restrictive than those governing the District’s enrolled students. Non-enrolled district students, however, must meet the same eligibility criteria as the District’s students as described in paragraph B below.

The district allows non-enrolled district students to participate on an equal basis in courses and programs offered by the district provided they meet the eligibility requirements for participation (e.g., deadlines for registration, academic progress/performance, parental permission, third party (e.g., NHIAA) requirements, physical exams/health requirements, etc). In the event that a course or program has reached capacity, selection between enrolled students and non-enrolled district students must be made using the same criteria, such as registration deadlines, registration dates, audition/tryout, seniority by grade, etc. If, after applying such criteria the course/program remains overenrolled, the determination should be made randomly. ~~[Delete fn.]~~

If a student or their parent/guardian believes that they have not been given equal opportunity for participation in district programs, then they may appeal as outlined in Board policy ~~{\*\*} JJA-R~~

#### **B. Participation in Curricular Courses.**

In order to participate in the District’s curricular courses, non-enrolled district students must meet the eligibility criteria that applies to students enrolled in the school district. The building Principal will provide this eligibility criteria to parents or guardians of non-enrolled district students upon request.

Parents/guardians shall submit requests for participation in District courses in writing to the building Principal consistent with Board procedures ~~{\*\*} JJJ-R~~. The building Principal will verify that the eligibility standards are the same as those that apply to students enrolled in the school district.

The Principal will determine if a non-enrolled district student has satisfied eligibility criteria and prerequisites in the same manner as s/he would:

- ~~[This option to be used for districts with high schools only. If no high school, delete sub-paragraph 1, and merge sub-para 2 into end of text of paragraph.]~~ for determining whether a course satisfies requirements for awarding credits (Board policy ~~{\*\*} IK~~) <sup>2</sup> ~~Delete fn.]~~; and
- ~~for assigning~~ to classes or grade levels and for students transferring from other schools (Board policy ~~{\*\*} JG~~).

In making the determination, the Principal should consider home education evaluation materials (see RSA 193-A:6, III), course descriptions, syllabi, and/or any other relevant information offered by the parent/guardian of the student.

Requests for the related services including, but not limited to, physical therapy, occupational therapy, speech therapy, counseling, psychological, guidance, and/or special education services shall be referred to the ~~[Special Education Director/Director of Student Services Director]~~. If a dispute arises between the parent/guardian and the District as to the pupil’s right to these services, the ~~[Special Education Director/Student Services Director]~~ **Director of Student Services** shall inform the Superintendent, who shall consult the District’s attorney for a legal opinion.

#### **C. Use of School Texts and Library Materials.**

Non-enrolled district students will be permitted to use the school library, borrow school texts and borrow library materials under the same conditions and rules as pupils enrolled in the District.

#### **D. Participation in Activities and Co/extra-curricular Programs.**

Requests by non-enrolled district students for participation in District co-curricular/extra-curricular activities or programs (“activities”) shall be made in writing by the parent/guardian to the building Principal. The building Principal shall ensure that there is equal treatment and opportunity of non-enrolled district students relative to their participation in District activities.

In order to participate in District activities, non-enrolled district students must:

- Meet the eligibility criteria for participation in the activity that apply to students enrolled in the school district, with the exception of school attendance;

- 2. Meet any tryout criteria or their equivalent for participation in the activity that apply to students enrolled in the school district (see Board policy ~~{\*\*}~~, JJA); and
- 3. Comply with all policies, rules and regulations or their equivalent of the governing organization of the activity (see Board policy ~~{\*\*}~~, JJA).

Non-enrolled district students participating in district co-curricular and extra-curricular activities are subject to the same fees charged enrolled students for the activity.

**E. Appeals.**

Any student/parent/guardian who believes that the district’s policies/regulations or the State’s laws/regulations pertaining to a non-enrolled district student’s access to a course or program have not been appropriately or fairly interpreted may appeal as follows:

*If the original decision being appealed was made by the Principal, then the “Principal” as used in steps 1-4 shall refer to the “Superintendent”, and the Superintendent’s decision shall be final. Step 5 shall not apply.*

- 1. Submit a letter to the building Principal stating the nature of the concern and requesting a hearing.
- 2. Within five (5) school days the Principal will convene a meeting with him/herself, the student and/or parents, the coach/advisor, and a teacher(s).
- 3. The student/parent will be given an opportunity to explain why they believe the student should be eligible for participation. Additionally, the student/parent may present information, documents or other material in support of their position. The Principal shall prepare minutes of the meeting.
- 4. The Principal will consider all information available and will make a final decision within three (3) school days following the meeting. The Principal will notify and inform the student/parents of his/her decision in writing via email. When time is of the essence, the Principal should first convey the basic conclusion as soon as practicable via telephone or email.
- 5. The student/parent/guardian may within 3 days of the Principal’s email of the decision submit a written request for further review by the Superintendent. The written request should describe why the Principal’s decision should not be upheld. The Superintendent may decide without further information to uphold the Principal’s decision, or may determine a further meeting is necessary. In either event, the Superintendent’s decision will be final. If the parent/guardians do not request a review by the Superintendent, then the Principal’s decision will be final as of the fourth day after the Principal’s written decision was transmitted to the parents/guardians.

**F. Administrative Regulations or Procedures.**

The Superintendent or designee may adopt such administrative regulations or procedures as s/he deems appropriate in order to implement this policy.

<sup>1</sup> ~~[Delete fn.] District schools cannot give preference to students enrolled in the district. For example, the deciding criteria the school uses to select students for over-subscribed classes (e.g., seniority, prerequisites, etc.) for enrolled students must apply equally to non-enrolled district students.~~

<sup>2</sup> ~~[Delete fn.] The information within the brackets should be deleted in districts without high schools.~~

**District Policy History:**

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

**District revision history:**

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

**NH Statutes**

RSA 193-A:6  
RSA 193:1-c

**Description**

[\(Home Education\), Records, Evaluation](#)  
[Access to Public School Programs by Nonpublic or Home Educated Pupils](#)

**Cross References**

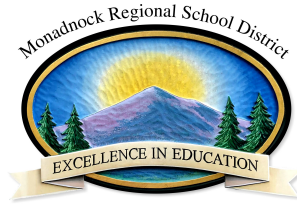
**Code**

IHBG  
IK  
JG  
JJA  
JJA-R(1)

**Description**

[Home Education Instruction](#)  
[Earning of High School Credit](#)  
[Assignment of Students to Classes and Grade Levels](#)  
[Student Activities & Organizations](#)  
[Student Activities & Organizations - Eligibility Standards](#)

Last Modified by Kristen Noonan on June 11, 2024



Book	J: Students
Section	Series J
Title	Concussions and Head Injuries
Code	JLCJ
Status	Active
Adopted	September 4, 2012
Last Revised	June 2, 2020

## CONCUSSIONS AND HEAD INJURIES

The School Board recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities. The Board acknowledges the risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed. The Board recognizes that the majority of concussions will occur in “contact” or “collisions” sports. However, in order to ensure the safety of all District student-athletes, this policy will apply to all competitive athletic activities as identified by the administration.

Consistent with the National Federation of High School (NFHS) and the New Hampshire Interscholastic Athletic Association (NHIAA), the District will utilize recommended guidelines, procedures and other pertinent information to inform and educate coaches, youth athletes, and parents/guardians of the nature and risk of concussions or head injuries, including the dangers associated with continuing to play after a concussion or head injury.

Annually, the district will distribute a head injury and concussion information sheet to all parents/guardians of student-athletes in competitive sports activities prior to the student-athletes' initial practice or competition.

“Student-athlete” means a student involved in any intramural sports program conducted outside the regular teaching day or competitive student sports program between schools in grades 4-12.

“Student sports” means intramural sports programs conducted outside the regular teaching day for students in grades 4-12 or competitive athletic programs between schools for students in grades 4-12 **including all NHIAA sanctioned activities, including cheer/dance squads, or any other district-sponsored sports or activities as determined by the board or administration.**

For purposes of this policy, "head injury" means injuries to the scalp, skull, or brain caused by trauma, and shall include a concussion which is the most common type of sports-related brain injury.

All coaches, including volunteers, will complete training as recommended and/or provided by NHIAA, New Hampshire Department of Education and/or other pertinent organizations. Additionally, all coaches of competitive sports activities will comply with NHIAA recommended procedures for the management of head injuries and concussions.

### **Athletic Director or Administrator in Charge of Athletic Duties**

Updating: Each spring, the athletic director or designee shall review any changes that have been made in procedures required for a concussion and head injury management or other serious injuries by consulting with the NHIAA or the District's on-call physician, if applicable. If there are any updated procedures, they will be adopted and used for the upcoming school year.

***Identified Sports:*** Identified sports include all NHIAA-sanctioned activities, including cheer/dance squads, and any other district-sponsored sports or activities as determined by the district.

***Coach Training:*** All coaches shall undergo training in head injury and concussion management at least once every two years by one of the following means: (1) through viewing the NHIAA sport-specific rules clinic; or (2) through viewing the NHIAA concussion clinic found on the MHSAs Sports Medicine page at [www.mhsa.org](http://www.mhsa.org).

***Parent Information Sheet:*** On a yearly basis, a concussion and head injury information sheet shall be distributed to the student-athlete and the athlete's parent/guardian prior to the student athlete's initial practice or competition. This information sheet may be incorporated into the parent permission sheet that allows students to participate in extracurricular athletics.

***Coach's Responsibility:*** A student-athlete who is suspected of sustaining a concussion or head injury or another serious injury in a practice or game shall be immediately removed from play.

***Administrative Responsibilities:*** The Superintendent or his/her designee will keep abreast of changes in standards regarding concussion, explore staff professional development programs relative to concussions, and will explore other areas of education, training, and programs.

### **Removal From Play and Protocol For Return To Play**

Any coach, official, licensed athletic trainer, or health care provider who suspects that a student-athlete has sustained a concussion or head injury in a practice or game shall immediately remove the student-athlete from play. A student-athlete who has been removed from play shall not return to play on the same day and until he/she is evaluated by a health care provider and receives medical clearance and written authorization from that health care provider to return to play. The student-athlete shall also present written permission from a parent/guardian to return to play.

The District may limit a student athlete's participation as determined by the student's treating health care provider.

### **Concussion Awareness and Education**

To the extent possible, the Board encourages the administration to implement concussion awareness and education into the district's physical education and/or health education curriculum. The administrative decision will take into account all relevant considerations, including time, resources, access to materials, and other pertinent factors.

### **Academic Issues in Concussed Students**

In the event a student is concussed, regardless of whether the concussion was a result of a school-related or non-school-related activity, school district staff should be mindful that the concussion may affect the

student's ability to learn. In the event a student has a concussion, that student's teachers will be notified. Teachers should report to the school nurse if the student appears to have any difficulty with academic tasks that the teacher believes may be related to the concussion. The school nurse will notify the student's parents and treating physician. Administrators and district staff will work to establish a protocol and course of action to ensure the student is able to maintain his/her academic responsibilities while recovering from the concussion.

Section 504 accommodations may be developed in accordance with applicable law and Board policies

**Revision Dates:** 6/2/2020, 6/25,2013

**Policy References:**

Category - Required

Policy References

Student Athlete Handbook

Legal References

RSA 200:49, Head Injury Policies for Student Sports

RSA 200:50, Removal of Student-Athlete

RSA 200:52, Head Injury Policies for Student Sports

Additional Resources:

<http://nhiaa.org/PDFs/3076/SuggestedGuidelinesforManagementofConcussioninSports.pdf>

<http://www.bianh.org/concussion.asp>

**Last Modified by Lillian Sutton on June 8, 2020**





Book	J: Students
Section	Series J
Title	DRAFT Concussions and Head Injuries
Code	JLCJ
Status	Policy Committee Review
Adopted	September 4, 2012
Last Revised	June 2, 2020

## DRAFT

### CONCUSSIONS AND HEAD INJURIES

The            School District is committed to ensuring the safety of students while at school and when participating in any school-sponsored events. The Board is aware that head injuries, including concussions, can happen to any student, not just an athlete, and that the risk of catastrophic injuries or death is significant when a concussion or other head injury is not properly evaluated and managed.

Section A of this policy applies to all students of the District who experience or are suspected to have experienced a concussion or other traumatic brain injury, whether in school or out, while Section B pertains to student-athletes, and other students participating in school sports or other district athletic activities.

#### **A. Provisions relating to all Students Who have Experienced a Concussion or Traumatic Brain Injury.**

1. **Definitions:** For purposes of this policy, the terms below will have the ascribed meanings.

"Head injury" means injuries to the scalp, skull, or brain caused by trauma, and shall include a concussion which is the most common type of sports-related brain injury.

"Health care provider" means a person who is licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment (physician, advanced registered nurse practitioner, licensed physician's assistant, or dentist).

"Student-athlete" means a student involved in any intramural sports program conducted outside the regular teaching day or competitive student sports program between schools in grades 4 through 12.

"Sports" means intramural sports programs conducted outside the regular teaching day for students in grades 4 through 12 or competitive athletic programs between schools for students in grades 4 through 12, including, without limitation, all NHIAA sanctioned activities, including cheer/dance squads, or any other district-sponsored sports or activities as determined by the board or administration.

2. **Duty to Report.** All District employees shall report any accident or incident which involves a student head injury. The report should be filed in the same manner provided under Board policy **{\*\*}**EBBB as for that of any accident requiring first aid. Additionally, Teachers should report to the school nurse (or administrator in charge if the nurse is unavailable) if the student appears to have any difficulty with academic tasks that the teacher believes may be related to concussion. The school nurse will notify the student's parents or guardians and treating health care provider.
3. **Return to Learning Protocols.** After a student has suffered a concussion, whether in school or not, before full resumption of academic work, the building principal or his/her designee will work with the school nurse, a student's parent/guardian, medical provider, teacher(s) and other appropriate district staff, to establish a graduated learning reentry plan. The plan will support the student's full return to academic activities, and ease the stress of making up past work while engaged in present work. The plan must include:
  - Step-by-step instructions and details for students, parents/guardians and school personnel;
  - Time frames for physical and cognitive rest within first few days post-injury and throughout the recovery as needed;
  - Guidance on graduated return to extracurricular athletic activities and classroom studies, including classroom accommodations or modifications;
  - Frequency of assessments by the school nurse, school physician if applicable, neuropsychologist or athletic trainer until full return to the classroom and extracurricular athletic activities are authorized;
  - Any provisions relative to "return-to-play" for student-athletes;
  - A plan for communication and coordination among school personnel and with the parents/caregivers and the student's medical provider.

Section 504 or other such accommodations or modifications when appropriate will be developed in accordance with applicable law and Board policies.

4. Concussion Awareness and Education. To the extent possible, the District will implement concussion awareness and education into physical education and/or health education curriculum.

**B. Provisions relating to Students Participating in Sports and Athletic Programs.**

Consistent with the National Federation of High School (NFHS) and the New Hampshire Interscholastic Athletic Association (NHIAA), the District will utilize recommended guidelines, procedures and other pertinent information to inform and educate coaches, youth athletes, and parents/guardians of the nature and risk of concussions or head injuries, including the dangers associated with continuing to play after a concussion or head injury.

1. Compliance with NHIAA Procedures and Protocols. All coaches, officials or licensed athletic trainers will comply with NHIAA recommended procedures for the management of head injuries and concussions.
2. Immediate Removal from Play and other NHIAA Protocols. Any coach, official, licensed athletic trainer, or health care provider who suspects that a student-athlete has sustained a concussion or head injury in a practice (including tryouts or trainings) or during a competition shall immediately remove the student-athlete from all physical activity.
3. "Return to Play". A student-athlete who has been removed from play shall not return to play on the same day, nor until (a) a Return to Learning Plan has been established consistent with paragraph A.3 of this policy, (b) he/she is evaluated by a health care provider and receives medical clearance and written authorization from that health care provider stating the student-athlete is symptom free and may return to play, and (c) the student-athlete's parent/guardian provides written permission for the student-athlete to return to play.

The District shall limit a student-athlete's participation as determined by the student's treating health care provider, unless, based upon the judgement of the coach or licensed athletic trainer greater limitations are appropriate.

If symptoms of a concussion recur, or if concussion signs and/or behaviors are observed at any time during the return-to-activity program, the coach must immediately remove the student-athlete from play. Depending on previous instructions, the athlete may need to be re-evaluated by the health-care provider, or may have to return to the previous step of the return-to-activity program.

4. Parent Information Sheet. On a yearly basis, the Athletic Director shall assure that a concussion and head injury information sheet is distributed to each student-athlete and the athlete's parent/guardian prior to the student-athlete's initial practice (including try-out) or competition. This information sheet may be incorporated into the parent permission sheet that allows students to participate in extracurricular athletics.
5. Coach Training. All coaches, including volunteer coaches, will complete training in head injury and concussion management as recommended and/or provided by NHIAA, New Hampshire Department of Education and/or other pertinent organizations. The Athletic Director ~~[for title of other administrator in charge of athletics]~~.
6. Annual Review of NHIAA Concussion Protocols by Athletic Director ~~[for Administrator in Charge of Athletic Duties]~~. No less than annually, the Athletic Director ~~[for title of other administrator in charge of athletics]~~ or his/her designee shall review any changes that have been made in procedures required for concussion and head injury management or other serious injury by consulting with the NHIAA [and the District's on-call physician]. The Athletic Director ~~[for title of other administrator in charge of athletics]~~ shall takes steps to implement the then current procedures and protocols as soon as possible.

**District Policy History:**

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

**District revision history:**

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

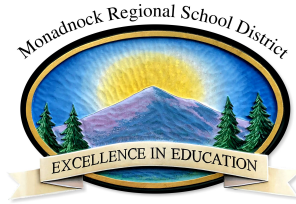
**NH Statutes**

RSA 200:49	<a href="#">Head Injury Policies for Student Sports</a>
RSA 200:50	<a href="#">Removal of Student-Athlete</a>
RSA 200:51	<a href="#">School Districts: Limitation of Liability</a>
RSA 200:52	<a href="#">Definitions</a>
RSA 200:63	<a href="#">Head Injuries: Return to Learning and Plan</a>

Cross References

**Code**

EBBB	<a href="#">Accident Reports</a>
JLCJA	<a href="#">Emergency Plan for Sports Related Injuries and Additional Protocols for Athletics Participation</a>



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan
Code	AC
Status	Active
Adopted	May 3, 1993
Last Revised	February 4, 2020

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

### **A. Prohibition Against Discrimination of Students in Educational Programs and Activities.**

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.

### **B. 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.

### **C. 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.

#### **D. 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 JLDDB, 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.

#### **E. 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 Officer: Lisa Walker, Superintendent of Schools

Title IX Coordinator: Jeremy Rathbun, Director of Curriculum, Instruction & Assessment

504 Coordinator: Cathy Woods, Director of Student Services

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

#### **F. 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.

### **G. 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.

### **H. 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.

### **I. Administrative Procedures and Regulations.**

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

#### **J. 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.

**Revision Dates:** 2/4/2020 12/18/2018

**Category:** *Priority/Required by Law*

**Related Policies:** *ACD, ACE, GBAA, JBAA, JICK KED, KEE*

**See also:** *EF, EFAA, IKG, AC-E & AC-R*

#### **Legal References:**

RSA 186:11, XXXIII, Discrimination

RSA 193:38, Discrimination in Public Schools

RSA 193-F, Student Safety and Violence Protection Act

RSA 275:71, Prohibited Conduct by Employer

RSA 354-A, State Commission for Human Rights

The Age Discrimination in Employment Act of 1967, 29 U.S.C. 621, et seq.

The Rehabilitation Act of 1973, 29 U.S.C. 705 and 794

Title II of The Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.

Title IV of the Civil Rights Act of 1964, 42 U.S.C. §2000c

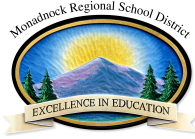
Title VII of The Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq

Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq

NH Dept of Ed. Rule 303.01 (i), School Board Substantive Duties

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

**Last Modified by Kristen Noonan on August 14, 2023**



Book	A: Foundations and Basic Commitments
Section	Series A
Title	DRAFT- Non-Discrimination, Equal Opportunity Employment and District Anti-Discrimination Plan
Code	AC
Status	Policy Committee Review
Adopted	May 3, 1993
Last Revised	February 4, 2020

## DRAFT

### NON-DISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT AND DISTRICT ANTI-DISCRIMINATION PLAN

#### A. **Prohibition Against Discrimination in Educational Programs and Activities.**

Under State or Federal 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 person in the District's education programs, on the basis of any of the above classes, or a person'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.

#### B. **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.

#### C. **USDA Non-Discrimination Statement (copied from Policy ACF {\*\*}).**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: [USDA Form AD-3027](#) (linked tested 2024/5/9), from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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:**

(833) 256-1665 or (202) 690-7442; or

3. **Email:**  
Program.Intake@usda.gov

**D. 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.

**E. 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 JLDDB{\*\*}), 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.

**F. 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, and postal and physical addresses:

Human Rights ~~[or Non-Discrimination]~~ Officer \_\_\_\_\_ ~~[check district policies for title]~~

Title IX Coordinator \_\_\_\_\_ ~~[check district policies (e.g., JBAA, GBAA?) for title]~~

504 Coordinator Cathy Woods \_\_\_\_\_ ~~[check district policies for title]~~

The Appendix will also include current contact information 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

**G. 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 ACAC{\*\*};
2. Reports or complaints of sexual harassment or sexual violence by students should be made under Board policy ACAC{\*\*};



3. Reports or complaints by students of discrimination on the basis of disability should be made under Board policy ACE{\*\*}; complaints regarding facilities accessibility by , employees, or other persons which should be made under Board policy KED{\*\*};
4. Reports or complaints of bullying or other harassment of pupils should be made under Board policy JICK{\*\*}; and
5. Reports or complaints of discrimination based upon protected classes relative to any of the District's food and nutrition services (FNS) programs (school lunches, etc.) should be made under Board policy ACF {\*\*}, unless the alleged discriminatory conduct relates to a class identified in Sections A or B, but not in C.

#### H. **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.

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

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)

#### I. **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

#### J. **Administrative Procedures and Regulations.**

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

#### K. **Notice of Compliance.**

The Superintendent will provide notice of the non-discrimination statements , the Anti-Discrimination Plan, to all applicants for employment, employees, students, parents, and other interested persons as required by statute, policy or regulation, or as the Superintendent may otherwise deem appropriate.

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

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

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

***District revision history:***

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

#### **NH Statutes**

RSA 186:11, XXXIII

RSA 193-F

RSA 193:38

RSA 275:71

RSA 275:78-83

RSA 354-A

#### **Description**

[Discrimination](#)

[Student Safety and Violence Protection Act](#)

[Discrimination in Public Schools](#)

[Prohibited Conduct by Employer](#)

[Policies Relating to Nursing Mothers \(Scroll down to sections 275:78-83\)](#)

[State Commission for Human Rights](#)

#### **NH Dept of Ed Regulation**

NH Dept of Ed. Rule 303.01 (i)

#### **Description**

[School Board Substantive Duties](#)

#### **Federal Statutes**

20 U.S.C 1681, et seq

20 U.S.C. § 1400-1417

#### **Description**

[Title IX of the Education Amendments of 1972](#)

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

**Federal Statutes**

29 U.S.C. §794  
 29 U.S.C. 621, et seq.  
 29 U.S.C. 705  
 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

Cross References

**Description**

[Rehabilitation Act of 1973 \(Section 504\)](#)  
[The Age Discrimination in Employment Act of 1967](#)  
[The Rehabilitation Act of 1973 - Definitions](#)  
[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 \("PUMP Act"\)](#)

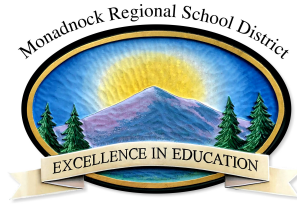
**Code**

ACAC  
 ACD  
 ACE  
 ACF  
 ACN  
 EF  
 EFAA  
 GBI  
 GDB  
 IHBA  
 IHBA-R(1)  
 IHBAM  
 IHBG  
 IKG  
 JICK  
 JICK-R(1)  
 JICK-R(2)  
 JICK-R(3)  
 JJA  
 JJA-R(1)  
 KED  
 KEE  
 KFA  
 KFA-R(1)

**Description**

[Title IX Sexual Harassment Policy and Grievance Process](#)  
[Commitment to Religious Neutrality](#)  
[Procedural Safeguards: Non-Discrimination on the Basis of Handicap/Disability](#)  
[Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints](#)  
[Nursing Mothers Accommodation](#)  
[Food Service Management](#)  
[Meal Charging](#)  
[Staff Participation in Political Activities](#)  
[Employment of Non-Certified Personnel](#)  
[Programs for Pupils with Disabilities](#)  
[Programs for Pupils with Disabilities - Section 504 - Notice of Parent & Student Rights](#)  
[District Special Education Policy and Procedures Manual](#)  
[Home Education Instruction](#)  
[Awards and Scholarships](#)  
[Pupil Safety and Violence Prevention](#)  
[Pupil Safety and Violence Prevention - Report Form](#)  
[Pupil Safety and Violence Prevention - Bullying Report Form](#)  
[Pupil Safety and Violence Prevention - School Board Notification of Bullying Report](#)  
[Student Activities & Organizations](#)  
[Student Activities & Organizations - Eligibility Standards](#)  
[Facilities or Services – Grievance Procedure \(Section 504\)](#)  
[Website Accessibility and Grievance](#)  
[Conduct on School Property](#)  
[Conduct on School Property - Assaults](#)

Last Modified by Kristen Noonan on June 11, 2024



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Procedural Safeguards Nondiscrimination on the Basis of Handicap/Disability
Code	ACE
Status	Active
Adopted	May 4, 1993
Last Revised	October 2, 2018

## **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.

### **Policy References:**

Category - Priority - The subject matter of these policies is required by State and Federal Law.

Revised: September 2016, September 2008, April 2011

Legal	Section 504 of the Rehabilitation Act of 1973 34 C.F.R Part 104, Nondiscrimination on the Basis of Handicap NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards
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**Last Modified by Lillian Sutton on February 17, 2020**



Book	A: Foundations and Basic Commitments
Section	Series A
Title	DRAFT- Procedural Safeguards Nondiscrimination on the Basis of Handicap/Disability
Code	ACE
Status	Policy Committee Review
Adopted	May 4, 1993
Last Revised	October 2, 2018

**DRAFT**

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

The school district will ensure that all parents/guardians of students with a 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 (relative to the Individuals with Disabilities Education Act), or to the Model Process for 504 Plan Development (Section 504 of the Rehabilitation Act of 1973).

More specific information regarding the Districts programs and procedures relative to programs for students with disabilities is found in Board policy IHBA **[\*\*]**, and procedural document IHBA-R **[\*\*]**.

**District Policy History:**

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

**District revision history:**

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

**NH Dept of Ed Regulation**  
 NH Department of Ed. Admin. Rules, Ed 1120

**Description**  
[Procedural Safeguards](#)

**Federal Regulations**  
 34 C.F.R. § 104

**Description**  
[Nondiscrimination on the Basis of Handicap](#)

**Federal Statutes**  
 20 U.S.C. § 1400-1417  
 29 U.S.C. § 794  
 42 U.S.C. 12101, et seq.

**Description**  
[Individuals with Disabilities Education Act \(IDEA\)](#)  
[Rehabilitation Act of 1973 \(Section 504\)](#)  
[Title II of The Americans with Disabilities Act of 1990](#)

**Cross References**

**Code**  
 AC  
 AC-E(1)  
 IHBA  
 IHBA-R(1)  
 JKAA

**Description**  
[Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan](#)  
[Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information for Human Rights Officer, Title IX Coordinator, 504 Coordinator and Civil Rights Agencies](#)  
[Programs for Pupils with Disabilities](#)  
[Programs for Pupils with Disabilities - Section 504 - Notice of Parent & Student Rights](#)  
[Use of Restraints and Seclusion](#)

Legal  
 Section 504 of the Rehabilitation Act of 1973  
 34 C.F.R Part 104, Nondiscrimination on the Basis of Handicap  
 NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards



Book	A: Foundations and Basic Commitments
Section	Series A
Title	DRAFT- Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints
Code	ACF
Status	Policy Committee Review
Adopted	June 11, 2024

**DRAFT**  
**Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints**

**USDA Non-Discrimination Statement (copied to Policy AC (\*\*)):**

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. (\*See note at end of this Section A.)

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: [USDA Form AD-3027](#) (linked tested 2024/5/9), from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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:**

(833) 256-1665 or (202) 690-7442; or

**3. Email:**

[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

**\*NOTE:** the above listed classes are those for which protections are extended under USDA regulations. Although the USDA only receives complaints relative to claims of discrimination based upon those classes, additional state and federal laws, as well as Board policy AC [\*\*] extend protections against discrimination to additional classes of persons. See policy AC [\*\*] for further information regarding those additional classes and related grievance procedures.

**A. Additional Discrimination Complaint Information.**

- Any person or representative alleging discrimination based on a prohibited basis relative to any of the District's food service programs has the right to file a complaint within 180 days of the alleged discriminatory action.
- District staff who receive a complaint alleging illegal discrimination in the district's nutrition program will forward the complaint to the District's **Human Rights for Non-Discrimination Officer** [check district policies for title] immediately, who shall note whether the allegation was made verbally or in person and will transcribe the complaint if it is not provided in writing. As required by the USDA, the **Human Rights for Non-Discrimination Officer** [check district policies for title] will forward the complaint to the USDA Office of the Assistant Secretary for Civil Rights immediately and will not first attempt to resolve the complaint prior to contacting the USDA.

**B. Notice of Non-Discrimination Statement and Program Rights.**

The Superintendent shall ensure that all materials and resources that are used to inform the public about any USDA supported Food and Nutrition Service (FNS) program include the complete, most current USDA non-discrimination statement in its exact wording. The statement may be accessed at: [USDA Non-discrimination Statement \(Other Programs\)](#) (link tested 2024/5/9).

At a minimum, the full USDA non-discrimination statement must be included on the following materials related to USDA programs:

- > FNS Application Form(s)
- > Notification of Eligibility or Ineligibility
- > Expiration of Certification Notification
- > Discontinuance Notification
- > Program (Home) Web Page
- > Other Public Information

If the size of the material is too small to include the full USDA Non-Discrimination statement (e.g., newspaper printing of menus), the material must at a minimum include the following statement in print the same size font as the main text: "This institution is an equal opportunity provider."

**C. Display of "And Justice for All" Poster.**

The USDA requires that its "And Justice for All" non-discrimination poster is prominently displayed in each location where FNS meals are most frequently provided (e.g., school cafeteria). Each poster must be no smaller than 11" x 17" and placed in a location that enables program participants to read the text regarding civil rights complaints without obstruction.

**District Policy History:**

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

**District revision history:**

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

Cross References

Code	Description
AC	<a href="#">Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan</a>
AC-E(1)	<a href="#">Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information for Human Rights Officer, Title IX Coordinator, 504 Coordinator and Civil Rights Agencies</a>

**District Policy History:**

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

**District revision history:**

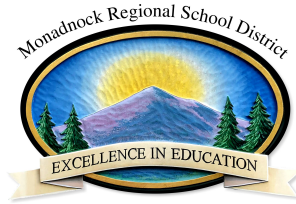
*Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional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

NH Dept of Ed Regulation	Description
NH Department of Ed. Admin. Rules, Ed 1120	<a href="#">Procedural Safeguards</a>
Federal Regulations	Description
34 C.F.R. § 104	<a href="#">Nondiscrimination on the Basis of Handicap</a>
Federal Statutes	Description
20 U.S.C. § 1400-1417	<a href="#">Individuals with Disabilities Education Act (IDEA)</a>
29 U.S.C. § 794	<a href="#">Rehabilitation Act of 1973 (Section 504)</a>
42 U.S.C. 12101, et seq.	<a href="#">Title II of The Americans with Disabilities Act of 1990</a>

Cross References

Code	Description
AC	<a href="#">Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan</a>
AC-E(1)	<a href="#">Non-Discrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information for Human Rights Officer, Title IX Coordinator, 504 Coordinator and Civil Rights Agencies</a>
IHBA	<a href="#">Programs for Pupils with Disabilities</a>
IHBA-R(1)	<a href="#">Programs for Pupils with Disabilities - Section 504 - Notice of Parent &amp; Student Rights</a>
JKAA	<a href="#">Use of Restraints and Seclusion</a>
Legal	Section 504 of the Rehabilitation Act of 1973 34 C.F.R Part 104, Nondiscrimination on the Basis of Handicap NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards

Last Modified by Lillian Sutton on June 17, 2024



Book	A: Foundations and Basic Commitments
Section	Series A
Title	Drug-Free Workplace & Drug-Free Schools
Code	ADB
Status	Active
Adopted	May 4, 1993
Last Revised	September 5, 2023

## **DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS**

### **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 the dangers of drug and alcohol abuse, the District will endeavor to:
  - a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
  - b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;



- c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the workplace, 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 ensure 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 the 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 designed to (i) determine and assure compliance with the notification requirements of section A.5.a, and b; (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.

**Revision Dates:** 09/05/2023, 12/18/2018, 07/01/1998

**Legal References:**

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

**Last Modified by Lillian Sutton on September 19, 2023**



Book	A: Foundations and Basic Commitments
Section	Series A
Title	DRAFT- Drug-Free Workplace & Drug-Free Schools
Code	ADB
Status	Policy Committee Review
Adopted	May 4, 1993
Last Revised	September 5, 2023

## **DRAFT**

### **DRUG-FREE WORKPLACE & DRUG-FREE SCHOOLS**

#### **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 **in writing** of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:
  - a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
  - b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
  - c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

#### **B. District Action Upon Violation of Policy**

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

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

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

### C. Drug-Free School Zone

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

~~OPTIONAL — MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM ADMINISTRATOR — see (3) of NHSBA revision note for September 2018 above. Notwithstanding above paragraph, the board grants an exception to allow for a Syringe Service Program within the boundaries of the Drug Free Zone of the \_\_\_\_\_ [name of particular School], and as requested by \_\_\_\_\_ [name of organization], a syringe service program administrator/operator as that terms is used in RSA 318-B:43 and 45~~

### D. Implementation and Review

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

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

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

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

**District revision history:**

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

#### **NH Statutes**

RSA 318-B

RSA Chapter 193-B

#### **Description**

[Controlled Drug Act](#)

[Drug Free School Zones](#)

#### **NH Dept of Ed Regulation**

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

#### **Description**

[Procedure to mark drug-free school zones](#)

#### **Federal Regulations**

21 USC § 812

#### **Description**

[Schedules of Controlled Substances](#)

#### **Federal Statutes**

41 U.S.C. §101, et. seq.

#### **Description**

[Drug-free workplace requirements for Federal contractors, and Federal grant recipients](#)

Cross References

#### **Code**

DAF

GBEC

IHAMA

JICH

JICHA

#### **Description**

[Administration of Federal Grant Funds](#)

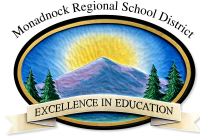
[Drug-Free Workplace & Drug-Free Schools \(dually coded as ADB/GBEC\)](#)

[Teaching about Alcohol, Drugs, and Tobacco](#)

[Drug and Alcohol Use by Students](#)

[Breathalyzer at Student Social Events](#)

Last Modified by Kristen Noonan on June 11, 2024



Book	D: Fiscal Management
Section	Series D
Title	DRAFT- Equivalence in Instructional Staff and Materials
Code	DAFB
Status	Policy Committee Review
Adopted	June 11, 2024

## DAFB

### 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.

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

**Federal Statutes**

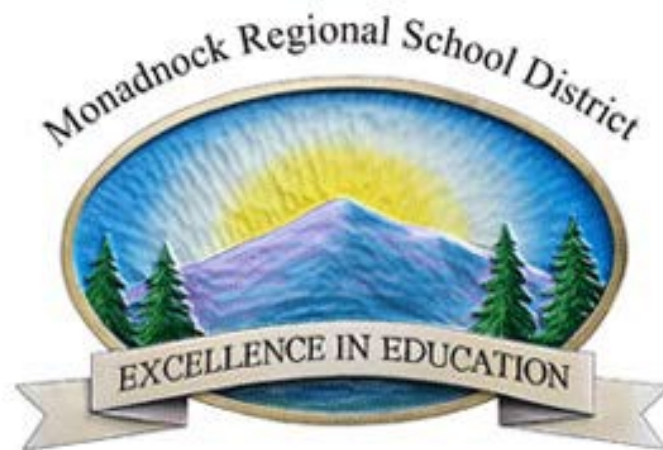
20 U.S.C. § 6321

**Description**

Fiscal Requirements (as amended by Every Student Succeeds Act of 2015)

Last Modified by Kristen Noonan on June 11, 2024

# Monadnock Regional School District



## Data Governance Plan

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## **Introduction**

The Monadnock Regional School District is committed to protecting our students' and staffs' privacy through maintaining strong privacy and security protections. The privacy and security of this information is a significant responsibility, and we value the trust of our students, parents, and staff.

The Monadnock Regional School District's Data Governance Plan includes information regarding the data governance team, data and information governance, applicable School Board policies, District procedures, as well as applicable appendices and referenced supplemental resources.

This manual outlines how operational and instructional activity shall be carried out to ensure the District's data is accurate, accessible, consistent, and protected. The document establishes who is responsible for information under various circumstances and specifies what procedures shall be used to manage and protect it. Definitions of terminology can be found in Appendix A: Definitions.

The Monadnock Regional School District's Data Governance Plan shall be a living document. To make the document flexible, details are outlined in the appendices and referenced supplemental resources. This document and any future modifications to this document will be posted on the District's website.

### ***Data Governance Team***

The Monadnock Regional School District's Data Governance team consists of the following positions: Superintendent, Curriculum Director, Business Administrator, Facilities Director, Human Resources Manager, Director of Special Services and the Director of Technology. Members of the Data Governance Team will act as data stewards for all data under their direction. The Director of Technology will act as the Information Security Officer (ISO), with assistance from members of the full Technology team. The Business Administrator is the district's alternate ISO and will assume the responsibilities of the ISO when the ISO is not available. All members of the district administrative team will serve in an advisory capacity as needed.

### ***Purpose***

The School Board recognizes the value and importance of a wide range of technologies for a well-rounded education, enhancing the educational opportunities and achievement of students. The Monadnock Regional School District provides its faculty, staff, and administrative staff access to technology devices, software systems, network and Internet services to support research and education. All components of technology must be used in ways that are legal, respectful of the rights of others, and protective of juveniles and that promote the educational objectives of Monadnock Regional School District.

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

It is the policy of the Monadnock Regional School District that data or information in all its forms, written, electronic, or printed, is protected from accidental or intentional unauthorized modification, destruction or disclosure throughout its life cycle. This protection includes an appropriate level of security over the equipment, software, and practices used to process, store, and transmit data or information. All staff and authorized district contractors or agents using confidential information will strictly observe protections put into place by the district.

## *Scope*

The data security policy, standards, processes, and procedures apply to all students and staff of the district, contractual third parties and agents of the district, and volunteers who have access to district data systems or data. This policy applies to all forms of Monadnock Regional School District data and information, including but not limited to:

- Speech, spoken face to face, or communicated by phone or any current and future technologies.
- Hard copy data printed or written.
- Communications sent by post/courier, fax, electronic mail, text, chat and/or any form of social media.
- Data stored and/or processed by any electronic device, including servers, computers, tablets, mobile devices.
- Data stored on any type of internal, external, or removable media or cloud based services.
- The terms data and information are used separately, together, and interchangeably throughout the policy, the intent is the same.
- Any computer, laptop, mobile device, printing and/or scanning device, network appliance/equipment, AV equipment, server, internal or external storage, communication device or any other current or future electronic or technological device may be referred to as systems, assets or resources.
- All involved systems and information are considered assets of the Monadnock Regional School District and shall be protected from misuse, unauthorized manipulation, and destruction.

## *Regulatory Compliance*

The district will abide by any law, statutory, regulatory, or contractual obligations affecting its data systems (see Appendix B: Laws, Statutory, and Regulatory Security Requirements). The Monadnock Regional School District complies with or exceeds the [NH Minimum Standards for Privacy and Security of Student and Employee Data](#), and standards applicable to data governance are addressed throughout this Data Governance Plan. The Monadnock Regional School District complies with all other applicable regulatory acts including but not limited to the following:

- Children’s Internet Protection Act ([CIPA](#))
- Children’s Online Privacy Protection Act ([COPPA](#))
- Family Educational Rights and Privacy Act ([FERPA](#))
- Health Insurance Portability and Accountability Act ([HIPAA](#))
- Payment Card Industry Data Security Standard ([PCI DSS](#))
- Protection of Pupil Rights Amendment ([PPRA](#))
- Individuals with Disabilities in Education Act ([IDEA](#))
- New Hampshire State RSA - Student and Teacher Information Protection and Privacy
  - [NH RSA 189:65](#) Definitions
  - [NH RSA 189:66](#) Data Inventory and Policies Publication
  - [NH RSA 189:67](#) Limits on Disclosure of Information
  - [NH 189:68](#) Student Privacy
  - [NH RSA 189:68-a](#) - Student Online Personal Information
- [NH Minimum Standards for Privacy and Security of Student and Employee Data](#) (see Appendix O)
- New Hampshire State RSA - Right to Privacy:

[NH RSA 359-C:19](#) - Notice of Security Breach Definitions

[NH RSA 359-C:20](#) - Notice of Security Breach Required

[NH RSA 359-C:21](#) - Notice of Security Breach Violation

## *Data User Compliance*

The Data Governance Plan applies to all users of Monadnock Regional School District's information including: staff, students, volunteers, and authorized district contractors or agents. All data users are to maintain compliance with School Board Policies and District administrative procedures JICL/GBEF (Employee and Student Acceptable Computer & Intranet/Internet Use), JICL-R (Information Technology Responsible Use Policy Form) and all policies, procedures, and resources as outlined within this Data Governance Plan and School Board Policy.

A consistently high level of personal responsibility is expected of all users granted access to the district's technology resources. Any violation of district policies or procedures regarding technology usage may result in temporary, long-term or permanent suspension of user privileges. User privileges may be suspended pending investigation into the use of the district's technology resources.

Unless permission has been granted by the ISO or designee, no staff, vendor or other person may remove confidential or critical data from the district's premises or the district's network, remove a device containing confidential or critical data from the district's premises, or modify or copy confidential or critical data for use outside the district. If permission is given, the data may be accessed only on a district-provided device with appropriate security controls or through a secure virtual private network (VPN). When users access confidential or critical data from a remote location, the user must take precautions to ensure that the confidential or critical data is not downloaded, copied or otherwise used in a manner that would compromise the security and confidentiality of the information.

Staff who fail to follow the law or district policies or procedures regarding data governance and security may be disciplined or terminated. Volunteers may be excluded from providing services to the district. The district will end business relationships with any contractor who fails to follow the law, district policies or procedures, or the confidentiality provisions of any contract. In addition, the district reserves the right to seek all other legal remedies, including criminal and civil action and seeking discipline of a staff member's teaching certificate.

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

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

Possible disciplinary/corrective action may be instituted for, but is not limited to, the following:

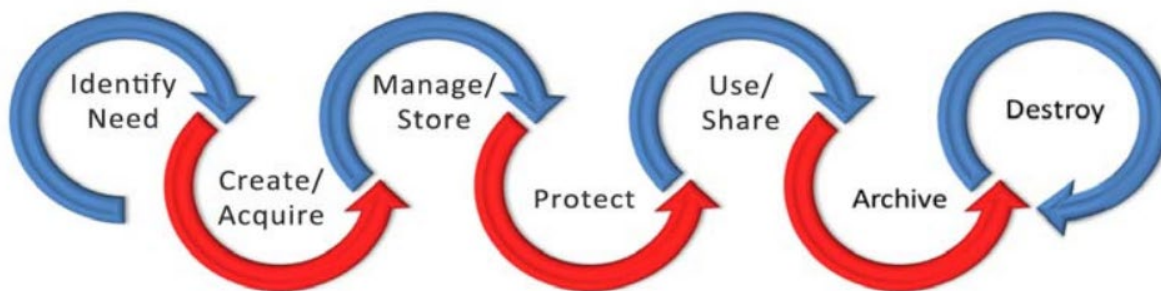
- Unauthorized disclosure of PII or Confidential Information.
- Sharing your user IDs or passwords with others (exception for authorized technology staff for the purpose of support)
- Applying for a user ID under false pretenses or using another person's ID or password.
- Unauthorized use of an authorized password to invade student or staff privacy by examining records or information for which there has been no request for review.
- The unauthorized copying of system files.
- Attempting to secure a higher level of privilege without authorization.
- Installation or use of unlicensed software or software not approved for district technological

systems.

- The intentional unauthorized altering, destruction, or disposal of district information, data and/or systems. This includes the unauthorized removal of technological systems such as but not limited to: laptops, internal or external storage, computers, servers, backups or other media, that may contain PII or confidential information.
- The introduction of computer viruses, hacking tools or other disruptive or destructive programs.

## Data Lifecycle

Data Governance is necessary at each phase in the data lifecycle. This lifecycle starts at evaluating the need for data collection and ends when the data is destroyed. It is important that appropriate safeguards, policies, procedures and practices are in place for each phase of the data lifecycle.



### *Identifying Need & Assessing Systems for District Requirements*

To accomplish the district’s mission and to comply with the law, the district may need to maintain confidential information, including information regarding students, parents/guardians, staff, applicants for employment and others. The district will collect, create or store confidential information only when the Superintendent or designee determines it is necessary.

### **New Systems**

District staff members are encouraged to research and utilize online services or applications to engage students and further the district’s educational mission. However, before any online service or application is purchased or used to collect or store confidential or critical information, including confidential information regarding students or staff, the ISO or designee must approve the use of the service or application and verify that it meets the requirements of the law and School Board policy and appropriately protects confidential and critical information. This prior approval is also required when the services are obtained without charge.

The Monadnock Regional School District will establish a process for vetting new digital resources to ensure that all new resources meet business and/or instructional need as well as security requirements.

Memorandums of understanding (MOU), contracts, terms of use and privacy policy for any system that creates, collects or uses personally identifiable information (PII), student records or confidential data must be reviewed by the ISO prior to initiation.

All new resources shall be properly evaluated against the following criteria, when applicable:

- Impact on technology environment including storage and bandwidth
- Hardware requirements, including any additional hardware
- License requirements/structure, number of licenses needed, and renewal cost
- Maintenance agreements including cost
- Resource update and maintenance schedule

- Funding for the initial purchase and continued licenses and maintenance
- Evaluate terms of service, privacy policy, and MOU/contract that meet the following criteria:
  - o The district continues to own the data shared, and all data must be available to the district upon request.
  - o The vendor's access to and use of district data is limited; the data cannot be used for marketing, targeted advertising or data mining; and the data cannot be shared with third parties unless allowed by law and authorized by the district. If metadata is collected, it will be protected to the same extent as the district's confidential or critical information.
  - o District data will be maintained in a secure manner by applying appropriate technical, physical and administrative safeguards to protect the data.
  - o The provider will comply with district guidelines for data transfer or destruction when contractual agreement is terminated.
  - o No API will be implemented without full consent of the district.
  - o All data will be treated in accordance to federal, state and local regulations
  - o The provider assumes liability and provides appropriate notification in the event of a data breach.

Note: Exceptions can be made by the ISO when all the criteria cannot be met for a legitimate reason while still meeting all regulatory requirements for use. Parent permission is requested from parents during the yearly online registration process for district vetted and approved applications and tools.

## **Review of Existing Systems**

The District will ensure that data collection is aligned with School Board Policy EHAB. Data systems shall be regularly reviewed to ensure that only necessary data is being transmitted and collected.

Individual student level data is submitted to different approved service providers in order to ensure business operations and instructional services. At times, these imports include PII for staff and students. The District must ensure that each piece of PII is necessary for operations or instruction and that the providers are abiding by their terms of service.

The District will audit data imports annually. These audits should include:

- Review of provider's terms of service to ensure they meet the District's data security requirements.
- Verification that software imports are accurate and pulling the correct information.
- Verification that, when applicable, the staff, students and classes included in the imports are still necessary for instructional purposes (only those that need data collected are included in import).
- Determine if the fields included in the imports are still necessary for intended purpose.

## ***Acquisition and Creation***

After completing the requirements for adoption of any new systems, staff shall complete an online request form for any new digital app/tool that either has an associated cost or collects staff or student data (see Appendix C: Digital Resource Acquisition and Use). All staff must adhere to the following guidelines regarding a new digital resource acquisition:

- Contracts for any system that creates, collects or uses personally identifiable information (PII), student records or confidential data must be reviewed by the ISO prior to initiation. Staff should speak with their building Principal before using ANY new app/online tool with students and seek their assistance with the evaluation/vetting process. This includes any online tool that a student interacts with where they may be creating content and/or any site that requires any student login.

- It is the responsibility of the staff requesting to use new digital content to properly vet the resource to ensure that it meets district business objectives, is in line with curriculum or behavioral standards, is age appropriate, is instructionally sound, and is appropriate for the intended use.
- Digital resources that accompany adopted instructional and/or curriculum materials will be vetted by the Curriculum Director and the ISO, or designee, prior to purchase.

## *Management and Storage*

### **Systems Security**

The district will provide access to confidential information to appropriately trained district staff and volunteers only when the district determines that such access is necessary for the performance of their duties. The district will disclose confidential information only to authorized district contractors or agents who need access to the information to provide services to the district and who agree not to disclose the information to any other party except as allowed by law and authorized by the district (School Board Policy EHAB). Therefore, systems access will only be given on an as-needed basis as determined by the data manager and ISO. Further information regarding Electronic Access Security Controls is contained in the Security/Protection section of this manual.

### **Data Management**

The effective education of students and management of district personnel often require the district to collect information, some of which is considered confidential by law and district policy. In addition, the district maintains information that is critical to district operations and that must be accurately and securely maintained to avoid disruption to district operations.

Data Managers are responsible for the development and execution of practices and procedures that ensure the accuracy and security of data in an effective manner. All district administrators are data managers for all data collected, maintained, used and disseminated under their supervision as well as data they have been assigned to manage. Data managers will:

- ensure that system account creation procedures and data access guidelines appropriately match staff member job function with the data on instructional and operational systems.
- review all staff with custom data access beyond their typical group's access.
- review district processes to ensure that data will be tracked accurately.
- review contracts with instructional and operational software providers to ensure that they are current and meet the district data security guidelines.
- ensure that staff are trained in the district's proper procedures and practices in order to ensure accuracy and security of data.
- assist the ISO in enforcing district policies and procedures regarding data management.

## *Security/Protection*

### **Risk Management**

A thorough risk analysis of all Monadnock Regional School District's data networks, systems, policies, and procedures shall be conducted on an annual or biennial basis by an external third party or as requested by the Superintendent, ISO or designee. An internal audit of District network security will be conducted annually by District Technology staff. This analysis shall be completed using the risk management steps outlined in the Data Security Checklist (see Appendix D: Data Security Checklist). The product of the risk analysis will be referred to as the risk assessment. The risk assessment shall be used to develop a plan to mitigate identified

threats and risk to an acceptable level by reducing the extent of vulnerabilities.

## **Security Logs**

The District will maintain a comprehensive list of critical system events that will be logged and monitored to ensure data security. These events will include, but are not limited to, access to critical systems and modification of critical data. When applicable, notifications will be established for critical event triggers.

## **Physical Security Controls**

Technology telecommunication closets are housed in secure locations. Access authorization is assigned through the Director of Technology, Network Administrator and or Director of Facilities. In addition, access to areas in which information processing is carried out shall be restricted to only appropriately authorized individuals (see Appendix G: Physical Security Controls).

No technological systems shall be disposed of or moved without adhering to the appropriate procedures (see Appendix H: Asset Management).

## **Inventory Management**

The district shall maintain a process for inventory control in accordance to federal and state requirements and School Board policy. All district technology assets will be maintained in inventory and verified through the regular inventory verification process (see Appendix H: Asset Management).

## **Virus, Malware, Spyware, Phishing and SPAM Protection**

The District uses a multi-layered approach to ensure that all electronic files are appropriately scanned for viruses, malware, spyware, phishing and SPAM. These include, but are not limited to, enterprise virus / malware / spyware software, group policy, gateways, firewalls, and content filters. Users shall not turn off or disable district protection systems or install other systems (see Appendix I: Virus, Malware, Spyware, Phishing and SPAM Protection).

## **Electronic Access Security Controls**

District staff will only access personally identifiable and/or confidential information if necessary to perform their duties. The district will only disclose this information to authorized district contractors or agents who need access to the information to provide services to the district and who agree not to disclose the information to any other party except as allowed by law.

Mechanisms to control access to PII, confidential information, internal information and computing resources include, but are not limited to, the following methods:

- **Identification/Authentication:** Unique user identification (user ID) and authentication are required for all systems that maintain or access PII, confidential information, and/or internal information. Users will be held accountable for all actions performed on the system with their User ID. User accounts and passwords shall not be shared.
- **Authorization:** Access controls are maintained through a partnership between the technology department, human resources (HR) and data managers.

Additionally, only members of the District Technology staff will be granted access to domain level administrator and local machine administrator accounts in order to complete their job functions.

Access security is audited annually or whenever access permission requirements are changed for a particular application/software or when an application/software is no longer necessary.

## **Staff Users**

All new staff accounts are authorized through an HR hiring process (see Appendix J: Account Management). Role-based permissions and security groups are used to establish access to all systems (see Appendix K: Data Access Roles and Permissions). If a staff member requires additional access, a request must be made directly to the ISO with a clear justification for access.

## **Contractors/Vendors**

Access to contractors/vendors is governed through the same process using School Board Policy EHAB. All contractor/vendor access must be approved by HR and the ISO. All contractors doing business on district premises must also pass a background check unless other security measures are addressed in a vendor contract. All contractors/vendors accessing district data will be considered on premise users. Once the approval has been obtained, the technology department will create the account, only granting access to the server/application that the contractor/vendor supports.

## **Password Security**

The District will enforce secure passwords for all systems within their control (see Appendix L: Password Security). When possible, the district will utilize Single Sign On (SSO) or LDAP/Active Directory Integration to maintain optimal account security controls.

## **Concurrent Sessions**

When possible, the district will limit the number of concurrent sessions for a user account in a system.

## **Remote Access**

Access into the District's network from outside is strictly prohibited without explicit authorization from the ISO. Remote access will be granted through virtual private network (VPN) connection through the district's network VPN appliance; no other method of remote access shall be granted without explicit authorization from the ISO. PII, confidential information and/or Internal Information that is stored or accessed remotely shall maintain the same level of protection as information stored and accessed within District's network.

In the event that VPN access is needed by a contractor/vendor, access must be approved by the ISO. The Network Administrator will establish the contractor account, only granting access to the server/application that the contractor/vendor supports.

All VPN accounts will be reviewed at least annually.

## **Securing Data at Rest and Transit**

District data security applies to all forms of data, including data stored on devices, data in transit and data stored on additional resources. All district external hard drives will be maintained in inventory and verified through the regular inventory verification process. Regular transmission of student data to internal and external services is managed by the technology department using a secure data transfer protocol.

Users must ensure that they are securely storing their data. Guidelines have been established for Cloud Storage and File Sharing, External Storage Devices, and File Transmission Practices. (see Appendix F: Securing Data at Rest and Transit). These guidelines are outlined in the following section.

## ***Usage and Dissemination***

A consistently high level of personal responsibility is expected of all users granted access to the district's technology resources. All district staff, volunteers, contractors and agents who are granted access to critical and confidential information are required to keep the information secure and are prohibited from disclosing or assisting in the unauthorized disclosure of confidential information. All individuals using confidential and critical information will strictly observe protections put into place by the district including, but not limited to,



maintaining information in locked rooms or drawers, limiting access to electronic files, updating and maintaining the confidentiality of password protections, encrypting and redacting information, and disposing of information in a confidential and secure manner.

All users are responsible for the security and integrity of the data they create, store or access. Users are expected to act as good stewards of data and treat data security and integrity with a high degree of responsibility and priority. Users must follow all guidelines outlined with Board policies, specifically Employee and Student Technology Usage (JICL/GBEF, JICL-R), and Student Records (JRA, JRA-R).

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

## **Data Storage and Transmission**

All staff and students that log into district owned computers will be provided with several options for data storage and transmission. Staff and students will need to ensure that they are securely storing their data. Staff and students will be able to store data on the local device. It is important to note that this data is not a part of the district's continuity plan, and thus will not be backed up by the district's backup solution. Staff will also have a mapped personal folder. This folder acts as a redirection of document and desktop folders to district file servers. Access to these files is restricted to the folder's owner (staff who is assigned) and district enterprise administrator accounts. Staff and students using Chromebook devices have limited local storage capabilities. Chromebook users are to store data within their G Suite for Education Drive account.

## **Cloud Storage and File Sharing**

The term "Cloud Storage" is used to define all types of remote server storages accessed by users through the internet. All staff and students are provided with a Google G Suite for Education account that provides unlimited storage. Users are responsible for all digital content on their district provided Google G Suite for Education Drive (see Appendix F: Securing Data at Rest and Transit).

## **File Transmission Practices**

Staff are responsible for securing sensitive data for transmission through email or other channels. Staff should not transmit files labeled classified, confidential, or restricted through email or third party file transfer services without district approval. When possible, staff should de-identify or redact any PII or confidential information prior to transmission. Regular transmission of student data to services such as a single sign on provider is managed by the technology department using a secure data transfer protocol (see Appendix F: Securing Data at Rest and Transit).

## **Credit Card and Electronic Payment**

Users of systems that process electronic payments, including but not limited to processing credit card information, must adhere to strict guidelines regarding the protection of payment information and cardholder data. These users are responsible for adhering to the appropriate level of PCI compliance when handling such data (see Appendix F: Securing Data at Rest and Transit).

## **Mass Data Transfers**

Downloading, uploading or transferring PII, confidential information, and internal information between systems shall be strictly controlled. Requests for mass download of, or individual requests for, information for research or any other purposes that include PII shall be reviewed and approved by the Superintendent or designee. All other mass downloads of information shall be approved by the ISO and include only the minimum amount of information necessary to fulfill the request.

## **Printing**

When possible, staff should de-identify or redact any PII or confidential information prior to printing. PII and

confidential information shall not be downloaded, copied or printed indiscriminately or left unattended and open to compromise.

### **Oral Communications**

Staff shall be aware of their surroundings when discussing PII and confidential information. This includes, but is not limited to, the use of cellular telephones in public areas. Staff shall not discuss PII or Confidential Information in public areas if the information can be overheard. Caution shall be used when conducting conversations in: semi-private rooms, waiting rooms, corridors, elevators, stairwells, cafeterias, restaurants, or public areas.

### **Training**

The district shall create and maintain a data security training program. This program will consist of the following:

- Training for all staff on technology policies and procedures, including confidentiality and data privacy.
- Additional training for new instructional staff on federal regulations and the use of digital resources and student electronic records.
- Training for all instructional staff on federal regulations and the use of digital resources and student electronic records.
- Training for district administration on federal regulations, data privacy and security.
- All training or professional learning that includes the use of data systems shall include data security.

### ***Archival and Destruction***

Once data is no longer needed, the ISO or designee will work with the data managers to ensure that it is appropriately destroyed. Special care will be taken to ensure that confidential information is destroyed appropriately and in accordance with law. Confidential paper records will be destroyed using methods that render them unreadable, such as shredding. Confidential digital records will be destroyed using methods that render the record irretrievable.

### **District Data Destruction Processes**

The district will regularly review all existing data stored on district provided storage for the purposes of ensuring data identification and appropriate destruction. Data destruction processes will align with School Board Policy EHB and EHB-R. District data managers will regularly review systems and data to ensure that data that is no longer needed is destroyed. The following exceptions will be made:

- Data in an active litigation hold will be maintained until the conclusion of the hold.
- Student G Suite for Education account will be deleted after the student's final date of attendance.
- Staff G Suite for Education accounts will be suspended after the final work day, unless HR or the ISO approves a district administrator to maintain access. Accounts will be deleted after they are no longer deemed necessary.

### **Asset Disposal**

The district will maintain a process for physical asset disposal in accordance with School Board Policy DN. The district will ensure that all assets containing PII, confidential, or internal information are disposed of in a manner that ensures that this information is destroyed (see Appendix H: Asset Management).

## **Critical Incident Response**

Controls shall ensure that the District can recover from any damage to or breach of critical systems, data, or information within a reasonable period of time. Each school, department, or individual is required to report any instances immediately to the ISO or designee for response to a system emergency or other occurrence (for example, fire, vandalism, system failure, data breach and natural disaster) that damages/breaches data or systems.

### ***Business Continuity***

The District's administrative procedure EHB-R, delineates the timeline for data retention for all district data. The District will maintain systems that provide near-line and off-site data backup. These systems shall allow for the full recovery of critical systems in the event of a disaster. The district will test near-line and off-site backups of critical systems annually.

### ***Disaster Recovery***

The District's Technology Disaster Recovery Plan outlines critical staff, responsibilities, and processes in the event of a disaster or critical data loss. The District shall maintain a list of all critical systems and data, including contact information. The Technology Disaster Recovery Plan shall include processes that enable the District to continue operations and efficiently restore any loss of data in the event of fire, vandalism, natural disaster, or critical system failure (see Appendix M: Disaster Recovery Plan).

### ***Data Breach Response***

New Hampshire's data breach law (RSA 359-c:19, 20, 21) is triggered when a School District computer system is breached and personal information is acquired without authorization in a way that compromises the security or confidentiality of the information. The law requires a school district experiencing a breach to conduct a good faith and reasonably prompt investigation to determine the likelihood that personal information was, or will be, misused. The Data Breach Response Plan enables the District to respond effectively and efficiently to a data breach involving personally identifiable information (PII) as defined by NH Law, confidential or protected information (i.e.-FERPA), district identifiable information and other significant cybersecurity incident. The Data Breach Response Plan shall include processes to validate and contain the security breach, analyze the breach to determine scope and composition, minimize impact to the users, and provide notification (see Appendix N: Data Breach Response Plan).

## Appendix A - Definitions

**Confidentiality:** Data or information is not made available or disclosed to unauthorized persons.

**Confidential Data/Information:** Information that the district is prohibited by law, policy or contract from disclosing or that the district may disclose only in limited circumstances. Confidential data includes, but is not limited to, personally identifiable information (PII) regarding students and staff.

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

**Data:** Facts or information. Data can be in any form; oral, written, or electronic.

**Data Breach, Breach of Security or Breach:** A security incident in which there was unauthorized access to and unauthorized acquisition of personal information maintained in computerized form that compromises the security, confidentiality or integrity of the information.

**Data Integrity:** Data is current, accurate and has not been altered or destroyed in an unauthorized manner.

**Data Management:** The development and execution of policies, practices, and procedures in order to manage the accuracy and security of district instructional and operational data in an effective manner.

**Data Owner:** User responsible for the creation of data. The owner may be the primary user of that information or the person responsible for the accurate collection/recording of data. Ownership does not signify proprietary interest, and ownership may be shared. The owner of information has the responsibility for:

- knowing the information for which she/he is responsible.
- determining a data retention period for the information according to Board policy and state statute.
- ensuring appropriate procedures are in effect to protect the integrity, confidentiality, and availability of the data used or created.
- reporting promptly to the ISO the loss or misuse of data.
- initiating and/or implementing corrective actions when problems are identified.
- following existing approval processes for the selection, budgeting, purchase, and implementation of any digital resource.

**Information Security Officer:** The Information Security Officer (ISO) is responsible for working with the Superintendent, Data Governance Team, data managers, data owners, and users to develop and implement prudent security policies, procedures, and controls. The ISO will oversee all security audits and will act as an advisor to:

- data owners for the purpose of identification and classification of technology and data related resources.
- systems development and application owners in the implementation of security controls for information on systems, from the point of system design through testing and production implementation.

**Systems:** Any computer, laptop, mobile device, printing and/or scanning device, network appliance/equipment, AV equipment, server, internal or external storage, communication device or any other current or future electronic or technological device, whether hosted by the district or provider.

**Security Incident:** An event that 1) actually or potentially jeopardizes the confidentiality, integrity or availability of an information system or the information the system processes, stores or transmits, or 2) constitutes a violation or imminent threat of violation of security policies, security procedures or acceptable-use policies.

**Personally Identifiable Information (PII):** Any information about an individual maintained by an agency, including (1) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, State Assigned Student Identification, date and place of birth, mother's maiden name, or biometric records and (2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.

**Risk:** The probability of a loss of confidentiality, integrity, or availability of information resources.

**User:** The user is any person who has been authorized to read, enter, print or update information. A user of data is expected to:

- access information only in support of their authorized job responsibilities.
- comply with all data security procedures and guidelines.
- keep personal authentication confidential (user IDs, passwords, secure cards, PINs, access codes).
- report promptly to the ISO the loss or misuse of data.
- follow corrective actions when problems are identified.

## Appendix B - Laws, Statutory, and Regulatory Security Requirements

**CIPA:** The Children’s Internet Protection Act was enacted by Congress to address concerns about children’s access to obscene or harmful content over the Internet. CIPA imposes certain requirements on schools or libraries that receive discounts for Internet access or internal connections through the E-rate program. Schools subject to CIPA have two additional certification requirements: 1) their Internet safety policies shall include monitoring the online activities of minors; and 2) as required by the Protecting Children in the 21st Century Act, they shall provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response. <https://www.fcc.gov/consumers/guides/childrens-internet-protection-act>

**COPPA:** The Children’s Online Privacy Protection Act regulates operators of commercial websites or online services directed to children under 13 that collect or store information about children. Parental permission is required to gather certain information. <https://www.ftc.gov/tips-advice/business-center/privacy-and-security/children%27s-privacy>

**FERPA:** The Family Educational Rights and Privacy Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education. This regulation protects student information and accords students specific rights with respect to their data. <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

**HIPAA:** The Health Insurance Portability and Accountability Act applies to organizations that transmit or store Protected Health Information (PII). It is a broad standard that was originally intended to combat waste, fraud, and abuse in health care delivery and health insurance, but is now used to measure and improve the security of health information as well. <https://www.hhs.gov/hipaa/index.html>

**IDEA:** The Individuals with Disabilities in Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. <https://sites.ed.gov/idea/>

**PCI DSS:** The Payment Card Industry Data Security Standard was created by a consortium of payment brands including American Express, Discover, MasterCard, and Visa. It covers the management of payment card data and is relevant for any organization that accepts credit card payments. <https://www.pcisecuritystandards.org/>

**PPRA:** The Protection of Pupil Rights Amendment affords parents and minor students’ rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. <https://studentprivacy.ed.gov/faq/what-protection-pupil-rights-amendment-ppra>

**New Hampshire State RSA 189:65-189:68:** Student and Teacher Information Protection and Privacy as defined by the following sections:

- NH RSA 189:65 (<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-65.htm>) Definitions
- NH RSA 189:66 (<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-66.htm>) Data Inventory and Policies Publication
- NH RSA 189:67 (<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-67.htm>) Limits on Disclosure of Information
- NH 189:68 (<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-68.htm>) Student Privacy
- NH RSA 189:68-a (<http://www.gencourt.state.nh.us/rsa/html/XV/189/189-68-a.htm>) Student Online Personal Information

[NH Minimum Standards for Privacy and Security of Student and Employee Data](#)

**New Hampshire State RSA Chapter 359-C Right to Privacy:**

- NH RSA 359-C:19 (<http://www.gencourt.state.nh.us/rsa/html/xxxi/359-c/359-c-19.htm>) Notice of Security Breach - Definitions
- NH RSA 359-C:20 (<http://www.gencourt.state.nh.us/rsa/html/xxxi/359-c/359-c-20.htm>) Notice of Security Breach Required
- NH RSA 359-C:21 (<http://www.gencourt.state.nh.us/rsa/html/xxxi/359-c/359-c-21.htm>) Notice of Security Breach Violation

## Appendix C - Digital Resource Acquisition and Use

The purpose of the Digital Resource Acquisition and Use process is to:

- ensure proper management, legality and security of information systems
- increase data integration capability and efficiency
- minimize malicious code that can be inadvertently downloaded

### New Resource Acquisition

Staff will be required to complete an online request form for any new digital resources that either has an associated cost or collects staff or student data. All staff must adhere to the following guidelines regarding digital resource acquisition:

- Contracts for any system that creates, collects or uses personally identifiable information (PII), student records or confidential data must be reviewed by the ISO prior to initiation. Staff should speak with their building Principal before using ANY new app/online tool with students and seek their assistance with the evaluation/vetting process. This includes any online tool that a student interacts with where they may be creating content and/or any site that requires any student login.
- It is the responsibility of the staff requesting to use new digital content to properly vet the resource to ensure that it meets district business objectives, is in line with curriculum or behavioral standards, is age appropriate, is instructionally sound, and is appropriate for the intended use.
- Digital resources that accompany adopted instructional and/or curriculum materials will be vetted by the Curriculum Director and the Director of Technology, or designee, prior to purchase.

All new resources shall be properly evaluated against the following criteria, when applicable:

- Impact on technology environment including storage and bandwidth
- Hardware requirements, including any additional hardware
- License requirements/structure, number of licenses needed, and renewal cost
- Maintenance agreements including cost
- Resource update and maintenance schedule
- Funding for the initial purchase and continued licenses and maintenance
- Evaluate terms of service, privacy policy, and MOU/contract that meet the following criteria:
  - o The district continues to own the data shared, and all data must be available to the district upon request.
  - o The vendor's access to and use of district data is limited; the data cannot be used for marketing, targeted advertising or data mining; and the data cannot be shared with third parties unless allowed by law and authorized by the district. If metadata is collected, it will be protected to the same extent as the district's confidential or critical information.
  - o District data will be maintained in a secure manner by applying appropriate technical, physical and administrative safeguards to protect the data.
  - o The provider will comply with district guidelines for data transfer or destruction when contractual agreement is terminated.
  - o No API will be implemented without full consent of the district.
  - o All data will be treated in accordance to federal, state and local regulations
  - o The provider assumes liability and provides appropriate notification in the event of a data breach.

Note: Exceptions can be made by the ISO when all the criteria cannot be met for a legitimate reason while still meeting all regulatory requirements for use. Parent permission may be requested from parents during the yearly online registration process for district vetted and approved applications and tools.



## **Approved Digital Resources**

In order to ensure that all digital resources used meet security guidelines and to prevent software containing malware, viruses, or other security risk, digital resources that have been vetted are categorized as Approved or Denied.

- A list of vetted software will be maintained within the Technology Department
- It is the responsibility of staff to submit a request to use a new digital resource if a resource is not listed.
- Digital resources that are denied or have not yet been vetted will not be allowed on district owned devices or used as part of district business or instructional practices.

## **Digital Resource Licensing/Use**

All computer software licensed or purchased for district use is the property of the District and shall not be copied for use at home or any other location, unless otherwise specified by the license agreement.

All staff must adhere to the following guidelines regarding digital resource licensing/use:

- Only approved district resources are to be used.
- District software licenses will be:
  - o kept on file in the technology office.
  - o accurate, up to date, and adequate.
  - o in compliance with all copyright laws and regulations.
  - o in compliance with district, state and federal guidelines for data security.
- Software installed on Monadnock Regional School District systems and other electronic devices will have a current license on file or will be removed from the system or device.
- Resources with or without physical media (e.g. downloaded from the Internet, apps, or online) shall still be properly vetted and licensed, if necessary, and is applicable to this procedure.
- Under no circumstances can staff act as a parental agent when creating student accounts for online resources; resources requiring this permission must be approved at the district level.

## **Appendix D - Data Security Checklist**

A thorough risk analysis of all Monadnock Regional School District data networks, systems, policies, and procedures shall be conducted on an annual or biennial basis or as requested by the Superintendent or ISO. The risk analysis will include internal and external vulnerability cybersecurity risk assessments and may include external penetration testing of the District network. An internal audit of District network security will be conducted annually by District Technology staff.

The Data Security Checklists examine the types of threat that may affect the ability to manage and protect the information resource. The analysis also documents any existing vulnerabilities found within each entity, which could potentially expose the information resource to threats. Finally, the analysis includes an evaluation of the information assets and the technology associated with its collection, storage, dissemination and protection.

From the combination of threats, vulnerabilities, and asset values, an estimate of the risks to the confidentiality, integrity and availability of the information is determined. The product of the risk analysis will be referred to as the risk assessment. The risk assessment shall be used to develop a plan to mitigate identified threats and risk to an acceptable level by reducing the extent of vulnerabilities.

### **Data Security Checklist for District Hosted Systems**

- Inventory and classification of data on system
- Types of potential threats (internal, external, natural, manmade, electronic and non-electronic)
- Physical security of system
- Location within network including network systems protection (firewall, content filter) and if system is externally facing or only allows for district network access
- Access controls including password security (can district password requirements be enforced)
- Authentication methods (LDAP/Active Directory, Single Sign On, District managed account, user managed account)
- Server/system security patch frequency
- Ability to access from mobile devices
- Ability to maintain critical system event logs
- Ability to receive notification for critical system events

### **Data Security Checklist for Provider Hosted Systems**

- Inventory and classification of data on system
- Types of potential threats (internal, external, natural, manmade, electronic and non-electronic)
- Contract, terms of service and privacy policy are current and meet district data security requirements
- Provider has adequate data security measures including data management and incident response
- Ability to ensure proper access controls including password security (ie- can district password requirements be enforced)
- Authentication methods (LDAP/Active Directory, Single Sign On, District managed account, user managed account)
- Server/system security patch frequency
- Ability to access from mobile devices
- Notification practices in the event of a system compromise or security breach

## **Appendix E - Data Classification Levels**

### **Personally Identifiable Information (PII)**

PII is information about an individual maintained by an agency, including:

- Any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records.
- Any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.

Unauthorized or improper disclosure, modification, or destruction of this information could violate state and federal laws, result in civil and criminal penalties, and cause serious legal implications.

### **Confidential Information**

Confidential Information is very important and highly sensitive material that is not classified as PII. This information is private or otherwise sensitive in nature and shall be restricted to those with a legitimate business need for access. Examples of confidential information may include: student records, personnel information, key financial information, proprietary information, system access passwords and encryption keys.

Unauthorized disclosure of this information to individuals without a business need for access may violate laws and regulations, or may cause significant consequences for district, its staff, parents, students or other stakeholders. Decisions about the provision of access to this information shall always be cleared through the data manager and/or ISO.

### **Internal Information**

Internal Information is intended for unrestricted use within the district and in some cases within affiliated stakeholders. This type of information is already widely-distributed within the district, or it could be distributed within the organization without advance permission from the information owner. Examples of Internal Information include internal policies and procedures and handbooks.

Unauthorized disclosure of this information to outsiders may not be appropriate due to copyright, legal or contractual provisions.

### **Directory Information**

Directory Information is information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed without the consent of a parent or eligible student. The Monadnock Regional School District designates the following items as directory information:

- Students name, address, telephone number, and dates of enrollment;
- Parents/guardians name(s) and address(es);
- Students grade level, enrollment status and dates of attendance;
- Student photographs;
- Students participation in recognized school activities and sports;
- Weight and height of members of athletic teams;
- Post-high school plans;
- Students diplomas, certificates, awards and honors received.

This information may only be disclosed as permitted in School Board Policy JRA and JRA-A

## **Public Information**

Public Information has been specifically approved for public release by the Superintendent or appropriate district administrator. Examples of public information may include patron mailings and materials posted to the district's website.

This information may be disclosed outside of the district.

## **Appendix F - Securing Data at Rest and Transit**

All staff and students that log into a district owned computer will be provided with several options for data storage and transmission. Staff and students will need to ensure that they are securely storing their data. Staff and students will be able to store data on the local device. It is important to note that this data is not a part of the district's continuity plan, and thus will not be backed up by the district's backup solution. Staff and students will also have a mapped personal folder. This folder acts as a redirection of document and desktop folders to district file servers. Access to these files is restricted to the folder's owner (staff or student who is assigned) and district enterprise administrator accounts. Staff and students using Chromebook devices have limited local storage capabilities. Chromebook users are to store their data within their G Suite for Education Drive account.

Confidential and critical information will be saved and maintained in a secure manner using encryption or other password-protected security measures. Likewise, when data is transmitted, the district will use encryption or password-protected security measures.

### **Cloud Storage and File Sharing**

The term "Cloud Storage" is used to define all types of remote server storages accessed by users through the internet. All staff and students are provided with a G Suite for Education account that provides unlimited storage. Users are responsible for all digital content on their district provided G Suite for Education Drive. When using cloud storage, staff must adhere to the following guidelines:

- Staff and students may not access cloud storage through third party applications outside of approved internet browsers and Google Drive App on Android & iOS. This will ensure that native operating systems do not replace cloud sharing security.
- Users need to be aware of default sharing settings on folders when they upload files. Users are required to limit sharing files to an as needed basis.
- Staff and students must ensure that any cloud storage providers used are approved by the district and meet district student data and data security standards.
- When exiting the district, students should responsibly copy their content to their own personal storage solution.
- When exiting the district, staff are prohibited from copying content that contains confidential information, student records or data.
- Data with personally identifiable information of staff or students may be posted to users' district provided Google Drive with appropriate security settings. Users may not post this data to other cloud sharing platforms without consent of district administration.
- Staff should never post any documents labeled classified, confidential, or restricted to any cloud storage including district provided Google Drive accounts without district approval.
- All users shall immediately report any cloud storage security problems of the district's technology resources to a teacher or administrator.
- Attempting to gain or gaining unauthorized access to cloud storage or the files of another is prohibited.
- As with other forms of district technology, district staff, students, and other G Suite for Education drive users have no expectation of privacy on data stored on this platform.

The term "File Sharing" is used to define all activities that share access to digital information whether in the cloud or on district administered mapped drives. When file sharing, staff must adhere to the following guidelines:

- Users must abide by all policies and procedures regarding professional conduct and communication when sharing, reviewing, updating, commenting and re-sharing.
- When sharing content, users must ensure that other users accessing the information in the

files have appropriate access to the information based on job function.

- All users shall immediately report any inappropriate sharing of the district's technology resources to an administrator.

## **External Storage Devices**

The term "External Storage Devices" is used to define all portable storage devices (including USB drives, rewritable CD/DVD, memory cards, and external hard drives) used by staff and students. While the district recognizes the advantages for staff and students to maintain information on these devices, users are strongly encouraged to rely on their district provided G Suite for Education Drive account for all storage needs. When using external storage devices, staff must adhere to the following guidelines:

- Users are responsible for all content on external storage devices that have been connected to district technology resources.
- Users must ensure that they will not introduce harmful software including computer viruses, malware, non-district approved software, or hacking tools to district technology resources.
- Users must ensure that the data will remain secure through appropriate encryption or password protection when transferring files containing PII or protected information to an external storage device. Users should only keep the information stored on the external device for the duration of the project, and then promptly remove.
- Staff should never transfer any documents labeled classified, confidential, or restricted to any external storage device.
- Staff should never transfer or create confidential data or student records on personal storage devices.

## **File Transmission Practices**

- Staff are responsible for securing sensitive data for transmission through email or other channels. When possible, staff should de-identify or redact any PII or confidential information prior to transmission.
- Staff should never include a password in any electronic communication unless directed to do so by Technology Staff.
- Staff should not transmit files labeled classified, confidential, or restricted through email or third party file transfer services without district approval.
- Regular transmission of student data to services such the District Library Management system, Food Service Management system and Single Sign On Provider system is managed by the technology department using a secure data transfer protocol. All such services are approved by a district/building administrator and the Director of Technology.

## **Credit Card and Electronic Payment**

Users of systems that process electronic payments, including but not limited to processing credit card information, must adhere to strict guidelines regarding the protection of payment information and cardholder data. These users are responsible for adhering to the following requirements and appropriate level of PCI compliance when handling such data:

- Never store cardholder data on district systems or in written form. All cardholder data may only be entered in secured payment systems approved by the district. Any cardholder data collected in written form must be shredded immediately after entry into approved system.
- The district will never maintain a data system for payment information. All payment information will be stored and processed by a 3rd party accessible through a secure portal.
- Never request cardholder information to be transmitted via email or any other electronic communication system.
- Payment information shall be entered directly into the approved payment system by individual making payment. If the individual is not able to directly input the payment, designated staff may gain

verbal approval for the payment process either in person or via phone (after identification is verified). If verbal payment information is received, that information must be entered directly into the payment system and not written down during the process.

- If payment information is collected via a physical form, that form must be shredded or payment information redacted immediately upon receipt and entry into payment system.

## **Appendix G - Physical Security Controls**

The following physical security controls shall be adhered to:

- Network systems shall be installed in an access-controlled area. The area in and around the computer facility shall afford protection against fire, water damage, and other environmental hazards such as power outages and extreme temperature situations.
- Monitor and maintain data centers' temperature and humidity levels.
- File servers and/or storage containing PII, Confidential and/or Internal Information shall be installed in a secure area to prevent theft, destruction, or access by unauthorized individuals.
- Ensure network systems and network equipment are properly secured to prevent unauthorized physical access and data is properly safeguarded to protect from loss.
- Computers and other systems shall be secured against use by unauthorized individuals. It is the responsibility of the user to not leave these devices logged in, unattended, and open to unauthorized use.
- Monitor and control the delivery and removal of all data-storing technological equipment or systems. Maintain a record of all such items entering or exiting their assigned location using the district approved technology inventory program. No technology equipment regardless of how purchased or funded shall be moved without the explicit approval of the technology department.
- Ensure that technological equipment or systems being removed for transfer to another organization or being designated as surplus property is appropriately sanitized in accordance with applicable policies and procedures (see Appendix H: Asset Management).



## **Appendix H - Asset Management**

Data security must be maintained through the life of an asset, including the destruction of data and disposal of assets. Any computer, laptop, mobile device, printing and/or scanning device, network appliance/equipment, AV equipment, server, internal or external storage, communication device or any other current or future electronic or technological device may be referred to as a system, asset or device.

All involved systems and information are assets of the district and are expected to be protected from misuse, unauthorized manipulation, and destruction.

### **Inventory**

All technology devices or systems considered an asset are inventoried by the technology department. This includes, but is not limited to, network appliances, servers, computers, laptops, mobile devices, and external hard drives. The technology department will conduct annual inventory verification of all district devices. It is the responsibility of the technology department to update the inventory system to reflect any in-school transfers, in-district transfers, or other location changes for district technology assets.

### **Disposal Guidelines**

Assets shall be considered for disposal in accordance with state/federal regulations and School Board Policy DN. The following considerations are used when assessing an asset for disposal:

- End of useful life
- Lack of continued need
- Obsolescence
- Wear, damage, or deterioration
- Excessive cost of maintenance or repair
- Salable value

The Director of Technology shall approve disposals of any district technology asset.

### **Methods of Disposal**

Once equipment has been designated and approved for disposal (does not have salable value), it shall be handled according to one of the following methods. It is the responsibility of the technology department to update the inventory system to reflect the disposal of the asset.

#### **Discard**

All technology assets shall be discarded in a manner consistent with applicable environmental regulations. Electronic equipment may contain hazardous materials such as mercury, lead, and hexavalent chromium. When possible, any reusable hardware that can't be used as parts to repair and/or maintain district technology assets shall be removed (motherboards, screens, adapters, memory). In addition, systems may contain Personally Identifiable Information (PII), Confidential, or Internal Information. Systems shall be wiped clean of this information prior to leaving the school district.

A district-approved vendor shall be contracted for the disposal of all technological systems/equipment. The vendor shall provide written documentation verifying the method used for disposal and a certificate stating that no data of any kind can be retrieved from the hard drive or any other component capable of storing data.

Under no circumstances should any technological systems/equipment be placed in the trash.

#### **Donation/Gift**

In the event that the district determines that an asset shall be donated or gifted, systems shall be wiped clean of Personally Identifiable Information (PII), Confidential, and/or Internal Information prior to leaving the school district. The Monadnock Regional School District will not support or repair any equipment that is

donated. In addition, software licenses are not transferred outside the district. Therefore, systems must be returned to factory installation, or drives shall be removed and discarded prior to donation.

# **Appendix I - Virus, Malware, Spyware, Phishing and SPAM Protection**

## **Virus, Malware, and Spyware Protection**

Monadnock Regional School District PC desktops, laptops, and file servers are protected using enterprise virus / malware / spyware software. Definitions are updated daily and an on-access scan is performed on all “read” files continuously. All files and systems are scanned.

## **Internet Filtering**

Student learning using online content and social collaboration continues to increase. The Monadnock Regional School District views Internet filtering as a way to balance safety with learning, letting good content, resources, and connections in while blocking the bad. To balance educational Internet resource and application use with student safety and network security, the Internet traffic from all devices on the district network is routed through the district firewall and content filter. Filtering levels are based on the role of the user, staff or student and student grade level. All sites that are known for malicious software, phishing, spyware, etc. are blocked.

## **Phishing and SPAM Protection**

Email is filtered for viruses, phishing, spam, and spoofing using Google services.

## **Security Patches**

Server patch management is performed regularly. Security patches are applied on an as needed basis, but at least biweekly.

## **Appendix J - Account Management**

Access controls are essential for data security and integrity. The Monadnock Regional School District maintains a strict process for the creation and termination of district accounts. All new staff accounts are authorized through an HR hiring process prior to creation. Role-based permissions are used to establish access to all systems. Access security is audited at least annually or whenever access permission requirements are changed for a particular application/software or when an application/software is no longer necessary.

### **Staff Accounts**

When a staff member is hired by the Monadnock Regional School District, the following process ensures that each staff member has the correct access and permissions to the resources that are required for their position.

- Notification of new staff member is sent from Human Resources to the Technology Department. This notification includes position, building assignment(s), and start date.
- Only after notification has been received from Human Resources, the Technology Department creates user accounts. The user is given access and permissions to the necessary resources based on their position and building assignment(s) (see Appendix K: Data Access Roles and Permissions).
- Any exception to permissions must be approved by the district administrator responsible for the system (data manager) and the Director of Technology.

When a staff member's employment is ended, either by termination or resignation, account permissions are revoked in one of two ways.

- In the event of termination, HR will notify the Technology Department via email or phone call requiring the account to be disabled at once, preventing any further access to district resources.
- In the event of resignation, HR will notify the Technology Department via email indicating the termination date. The account is disabled at the end of business on the termination date, preventing further access to district resources.
- In the event that a user having elevated permissions to any system separates from the district, additional measures are taken to ensure that all elevated accounts to those systems are secure.

### **Local/Domain Administrator Access**

Only members of the District Technology staff will be granted access to domain level administrator and local machine administrator accounts in order to complete their job functions.

### **Remote Access**

Access into the District's network from outside is strictly prohibited without explicit authorization from the ISO. Remote access will be granted through virtual private network (VPN) connection through the district's network VPN appliance; no other method of remote access shall be granted without explicit authorization from the ISO. PII, confidential information and/or Internal Information that is stored or accessed remotely shall maintain the same level of protection as information stored and accessed within District's network.

In the event that VPN access is needed by a contractor/vendor, access must be approved by the ISO. The Network Administrator will establish the contractor account, only granting access to the server/application that the contractor/vendor supports.

All VPN accounts will be reviewed at least annually.

### **Contractors/Vendors**

Access to contractors/vendors is governed through the same process using School Board Policy EHAB. All contractor/vendor access must be approved by HR and ISO. All contractors doing business on district premises must also pass a background check unless other security measures are addressed in a vendor

contract. All contractors/vendors accessing district data will be considered on premise users. Once the approval has been obtained, the technology department will create the account.

## **Appendix K - Data Access Roles and Permissions**

### **Student Information System (SIS)**

Staff are entered into the Monadnock Regional School District's student information system. Only staff whose roles require access are provided accounts for the system. The following minimum information is entered for each staff member:

- Building/Site location
- Status - Active
- Staff Type
- District Email Address
- Primary Alert Phone Number and Cell phone number

Access accounts for the District's SIS are setup based on staff role/position, building and required access to student data and are assigned by the Director of Technology or designee. Teacher accounts are created for all staff responsible for taking student attendance and entering and maintaining grades. Teacher accounts login to the SIS Teacher Portal. Staff assigned a Teacher account only have access to students they teach or provide services to. Administrative accounts are created based on the staff member's role/position and function and further restrictions to data are controlled through security groups. Security groups control access permissions to certain data sets such as attendance, demographic data, grades, discipline etc. and whether the staff member can view or maintain data. Additional page level permissions are assigned to the security groups. Administrative accounts log into the SIS Admin Portal.

### **Financial System**

All staff members are entered into the District's financial system for the purpose of staff payroll and HR tracking. Staff access to their individual payroll information is granted through the employee portal. Only staff requiring access are provided accounts for the financial/personnel system.

After basic information and user ID are created, a security role is assigned to the account granting them access to designated areas of the financial system to complete their job responsibilities.

### **Special Education System**

The State of New Hampshire provides the District access to the NH Special Education Information System (NHSEIS) that houses all student IEP information. Access accounts to NHSEIS is maintained by the District's Director of Special Services office through the MyNHDOE single sign on portal. A user role determines the user's authority and applicable permissions within the NHSEIS system. The established roles are as follows:

- School Administrator
- Provider
- Case Manager
- District IT Administrator
- IEP Team Member
- District Administrator
- SAU System Administrator
- SAU System Staff
- General Ed Teacher
- SAU District Administrator

The following user roles access NHSEIS through the MyNHDOE portal: Case Manager, District Administrator, District IT Administrator, SAU District Administrator, SAU System Administrator, SAU

System Staff, and School Administrator. The remaining user roles, Provider, General Ed Teacher and IEP Team Member access NHSEIS through a SAU specific web address.

## **Health Software System**

School District Nurses, Nurse Substitutes and Technology Staff are the only staff members granted access to the District's Health Software system. Technology Staff access is for the purpose of upgrades, and technical support for the use of the system. The medical data that is collected and maintained by the school nurses on the system includes immunizations, conditions, medications, and clinic logs (Time in/out of clinic and action taken). School nurses are the only accounts that can view and maintain medical information.

## **Food Services System**

The District uses a Food Services software management system to track data and perform functions necessary for the efficient operation of the Food Service Program. Food service staff are granted accounts with access to only the parts of the system that are necessary to complete their job functions. Technology Staff access is for the purpose of upgrades, and technical support for the use of the system and cash registers. Strict security roles and permissions are in place to ensure that confidential information is only viewable by authorized staff.

## Appendix L - Passphrase/Password Security

Passphrase's are generally longer than a password, and can contain spaces such as: "The sun will come out tomorrow!".

- Passphrases can be much easier to remember. The user has the ability to choose a sentence, the user can make it logical. By doing this, the users will not have to try and remember a random mix of special characters, numbers, and upper/lowercase letters.
- Passwords are becoming much easier to crack due to technological advances.
- Passphrases are becoming supported across all major platforms.
- Most password cracking attempts just give up after the 10-character mark.

The District requires the use of strictly controlled passphrases/passwords for network access and for access to secure sites and information. All passphrases/passwords to district systems shall meet or exceed the below requirements.

- Passphrases/Passwords shall never be shared with another person.
- When possible, user created passphrases/passwords should adhere to the same criteria as required for district network access as outlined below.
- Passphrases/Passwords shall never be saved when prompted by any application with the exceptions of single sign-on (SSO) systems and password managers as approved by the Technology Department.
- Passphrases/passwords shall not be programmed into a computer or recorded anywhere that someone may find and use them.
- When creating passphrases/password for secure information or sites, it is important **not** to use passwords that are easily guessed due to their association with the user (i.e. children's names, pets' names, or birthdays).
- Users and staff who have reason to believe a password is lost or compromised must notify the Director of Technology or designee as soon as possible. The technology department will verify the identity of the person requesting the change before resetting the password.

District network access to resources managed through LDAP/SSO:

- Passphrases/Passwords must be "strong," and must be a minimum of 12 characters long, must include at least one uppercase character, one lowercase character, one special character (!@#\$%^&\*(\_+{|[]\:';<>?,./)
- Passwords will only be changed in the event the user shares their password with another staff member or they believe their account has been compromised.
- Your password must not be too similar to your username.
- Do not use your district password for any non-district systems.

Where possible, system software should enforce the following passphrase/password standards:

- Passphrases/Passwords routed over a network shall be encrypted.
- Passphrases/Passwords shall be entered in a non-display field.
- System software shall enforce the changing of passwords and the minimum length.
- System software shall disable the user password when more than five consecutive invalid passwords are given.



# **Appendix M - Technology Disaster Recovery Plan**

## **Objectives**

The primary purpose of the Technology Disaster Recovery Plan (TDRP) is to enable the Monadnock Regional School District (Monadnock Regional) to respond effectively and efficiently to a natural disaster or critical failure of the district's data center and/or core systems. The objectives during a natural disaster or critical failure are the following:

- Minimize the loss or downtime of core systems and access to business critical data.
- Recover and restore the district's critical systems and data.
- Maintain essential technology resources critical to the day to day operations of the district.
- Minimize the impact to the staff and students during or after a critical failure.

## **Planning Assumptions**

The following planning assumptions were used in the development of Monadnock Regional's TDRP:

- There may be natural disasters that will have greater impact than others.
- There will be factors that are beyond the department's control or ability to predict during a disaster.
- There is the possibility of complete loss of the current data center.
- We will have adequate storage to recover systems.
- District data is housed at district data center and backed up in the cloud.
- District data is hosted by 3rd party providers.
- In the event of a critical failure to network infrastructure in the datacenter, District networking may be significantly impacted.

## **Disaster Recovery/Critical Failure Team**

The Monadnock Regional has appointed the following people to the disaster recovery/critical failure team, otherwise known as the Incident Response Team: Director of Technology, Network Administrator, IT Support Specialists, Director of Facilities and Maintenance Supervisor.

In the event the TDRP is activated, overall management of the response is delegated to this team. Their primary responsibilities include:

- Determining the impact of the natural disaster/critical failure.
- Communication of impact and or loss, and updates of progress to the Superintendent.
- Communication of outages and updates to district staff.
- Oversight of the TDRP implementation and restoration of critical systems and data.
- Allocation and management of technology staff during the event.
- Working with manufacturers and/or vendors during the recovery and restoration of critical systems and data.
- Oversight of TDRP implementation debrief.

## **Activation**

The TDRP will be activated in the event of the following:

- A natural disaster has occurred and affects the operation of the District's data center. A natural disaster includes but is not limited to the following: tornado, earthquake, lightning, and floods.

- A fire has impacted the data center.
- Water or flooding has impacted the data center.
- Critical system failure.

The Information Security Officer (ISO) will act as the Incident Response Manager (IRM). If the ISO is not able to act as the IRM, a member of the Superintendent's Leadership Team will assume the role of the IRM, with assistance from the Incident Response Team (IRT).

## **Notification**

The following groups will be notified in the event the plan has been activated:

- Superintendent
- Superintendent's Leadership Team
- Technology Staff
- District Staff
- Parents and Students
- Vendors

Information will be disseminated to the above groups through whichever means of communication is available at the time. This could include any one or combination of the following:

- Phone
- Email
- Social Media/Website
- Radio or Television

The TDRP team will work with the Superintendent on which information will be conveyed to each above group and what means will be used.

## **Implementation**

The TDRP team has the following in place to bring the District back online in the least amount of time possible:

- Maintained spreadsheet listing all server names, physical and virtual, and their function.
- Maintained secure application to store all system administrator accounts, passwords and vendor contact information. This will be accessible only to applicable Technology Staff who need access to perform their job functions.

## **Deactivation**

The TDRP team will deactivate the plan once services are fully restored.

## **Evaluation**

An internal evaluation of the Monadnock Regional's TDRP response will be conducted. This will entail gathering documentation from the response and feedback from all stakeholders and incorporate into an after action report and corrective action plan. The result will be an update to the TDRP and other emergency response plans as appropriate.

# **Appendix N - Data Breach Response Plan**

## **Objectives**

The purpose of the Technology Data Breach Plan (TDBP) is to enable the Monadnock Regional School District to respond effectively and efficiently to an actual or suspected data breach involving personally identifiable information (PII), confidential or protected information, district identifiable information and other significant cybersecurity incident. The objectives of the TDBP are:

- Convene the Incident Response Team (IRT) as necessary.
- Validate and contain the data security breach.
- Analyze the breach to determine scope and composition.
- Minimize impact to the staff and students after a data breach has occurred.
- Notification of data owners, legal counsel, state/federal agencies and law enforcement as deemed necessary.

## **Planning Assumptions**

The following planning assumptions were used in the development of Monadnock Regional School District's TDBP:

- There may be data breaches that will have greater impact than others.
- There will be factors that are beyond the department's control or ability to predict during a data breach.
- District data is backed up.
- Some District data is hosted by 3rd party providers.

## **Data Breach/Incident Response Team**

Monadnock Regional School District has appointed the following people to the data breach/incident response team: Director of Technology and the Network Administrator.

In the event the TDBP is activated, overall management of the response is delegated to this team. Their primary responsibilities include:

- Determine the nature of the data compromised and its impact to staff, students and the district itself.
- Communicate impact, the number of affected individuals, the likelihood information will be or has been used by unauthorized individuals and updates of progress to the Superintendent and Business Administrator.
- Coordinate with Superintendent to ensure communication with district staff and or parents as deemed appropriate.
- Oversight of the TDBP implementation and data breach resolution.
- Allocate and manage technology staff resources during the event.
- Work with vendors, 3rd party providers, manufacturers, legal counsel, district data breach insurance provider, state/federal agencies and law enforcement while correcting the data breach and its repercussions.
- Oversight of TDBP implementation debrief.

## **Activation**

The TDBP will be activated in the event of the following:

- A data breach has occurred and affects the district itself. A data breach includes but is not limited to an incident in which sensitive, protected or confidential data has potentially been viewed, stolen or used by an individual unauthorized to do so.
- Personal Health Information (PHI) has been compromised.
- Personally Identifiable Information (PII) has been compromised.
- Confidential or sensitive data has been compromised.
- Network hack/intrusion has occurred.

The Information Security Officer (ISO) will act as the incident response manager (IRM). If the ISO is not able to act as the IRM, a member of the Superintendent's Leadership Team will assume the role of IRM, with assistance from the IRT. The breach response and reporting process will be documented according to state and federal requirements. The Director of Technology will work with the Superintendent to dispense and coordinate the notification and public message of the breach.

## **Notification**

The following groups will be notified in the event the plan has been activated:

- Superintendent
- Superintendent's Leadership Team
- Technology Staff
- District Staff
- Parents and Students
- Vendors

Information will be disseminated to the above groups through whichever means of communication deemed appropriate. This could include any one or combination of the following:

- Email
- Social Media/Website
- Radio or Television
- Written Notice
- Phone

The TDBP team will work with district leadership on which information will be conveyed to each above group, timing of that communication and what means will be used.

## **Implementation**

The TDBP team has the following processes in place to contain the data breach in the least of amount of time possible:

- Data inventory of all systems containing sensitive data.

- Data dictionary of all district hosted information systems.
- Maintained spreadsheet listing all server names, physical and virtual, and their function.
- Maintained secure application to store all system administrator accounts, passwords and vendor contact information. This will be accessible only to applicable Technology Staff who need access to perform their job functions.
- The District's data backup solution includes the use of a backup manager and off-site file storage, which backs up data locally in the datacenter and offsite.

The following will take place during the incident response:

- The members of the IRT will be assembled once a breach has been validated. The IRT will be comprised of the Director of Technology, Network Administrator and IT Support Specialists. Additional members of the Monadnock Regional School District's administrative team and technology department may be designated to assist on the IRT.
- The IRT will determine the status of the breach, on-going, active, or post-breach. For an active and ongoing breach, the IRT will initiate appropriate measures to prevent further data loss. These measures include, but are not limited to, securing and blocking unauthorized access to systems/data and preserving any and all evidence for investigation.
- The IRT will work with the data managers and data owners to determine the scope and composition of the breach, secure sensitive data, mitigate the damage that may arise from the breach and determine the root cause(s) of the breach to devise mitigating strategies and prevent future occurrences.
- The IRM will work with legal counsel and the Superintendent's Leadership Team to determine appropriate course of action pursuant to state statute. This includes notification of the authorities, and local law enforcement.
- Collaboration between the authorities and the IRT will take place with the IRM. The IRT will work with the proper authorities to make sure any and all evidence is properly handled and preserved.
- On advice from legal counsel, an outside party may be hired to conduct the forensic investigation of the breach. When the investigation has concluded, all evidence will be safely stored, recorded or destroyed (where appropriate).
- All affected data, machines and devices will be identified and removed from the network as deemed appropriate for the investigation. Interviews will be conducted with key personnel and facts of the incident will be documented and the evidence preserved for later examination.
- The IRT will work with the Superintendent's office to outline the notification of the data owners and those affected. Communication will be sent out as directed by legal counsel and advised by the district communications team. The types of communication will include, but not limited to, email, text message, postal mail, substitute notice and/or phone call.
- The IRM, in conjunction with the IRT, legal counsel and the Superintendent's Leadership Team will determine if notification of affected individuals is necessary. Once the determination is made to notify affected individuals, a letter will be written in accordance with all federal and state statutes, and local procedures. If it is determined that identity theft or other fraud is not reasonably likely to occur as a result of the breach, such a determination shall be documented in writing and filed at the Superintendent's office.

## **Deactivation**

The TDBP team will deactivate the plan once the data breach has been fully contained.

## **Evaluation**

Once the breach has been mitigated an internal evaluation of the Monadnock Regional's TDBP response will be conducted. The IRT, in conjunction with the IRM and others that were involved, will review the breach and all mitigation steps to determine the probable cause(s) and minimize the risk of a future occurrence. Feedback from the responders and affected entities may result in an update to the TDBP and other emergency response plans as appropriate. Information security training programs will be modified to include countermeasures to mitigate and remediate previous breaches so that past breaches do not recur. The reports and incident review will be filed with all evidence of the breach.

# Appendix O – NH Minimum Standards for Privacy and Security of Student and Employee Data

## Minimum Standards for Privacy and Security of Student and Employee Data New Hampshire Department of Education

### I. Purpose & Applicability

A. This document defines minimum standards (“Standards”) for the privacy and security of student and employee information for Local Education Agencies (“LEA”) that the Department is required to establish according to New Hampshire Revised Statutes Annotated (RSA) 189:66, V.

B. These Standards apply to “Student Personally-Identifiable Data” and “Teacher Personally-Identifiable Data” (RSA 189:65), as well as “Covered Information” (RSA 189:68) handled by LEAs in both electronic and physical formats. Unless otherwise noted, the terms “Covered Information” shall include Student and Teacher Personally Identifiable Data throughout this document.

C. All LEAs under the purview of the New Hampshire Department of Education are required to implement these Standards. II. Minimum Privacy and Security Standards These Standards have been developed from a subset of basic and derived security requirements from National Institute of Standards and Technology Special Publication 800-171 Revision 1, “Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations.” More information about each security standard can be found at the reference listed from NIST SP 800-171. LEAs are encouraged to review and incorporate additional security requirements from NIST SP 800-171, as appropriate.

### A. Access Control

1. Limit system access to authorized users, processes acting on behalf of authorized users, and devices (including other systems). (NIST SP 800-171: 3.1.1)
2. Limit system access to the types of transactions and functions that authorized users are permitted to execute. (NIST SP 800-171: 3.1.2)
3. Employ the principle of least privilege, including for specific security functions and privileged accounts. (NIST SP 800-171: 3.1.5)
4. Limit unsuccessful logon attempts. (NIST SP 800-171: 3.1.8)
5. Employ cryptographic mechanisms to protect the confidentiality of remote access sessions. (NIST SP 800-171: 3.1.13)
6. Authorize wireless access prior to allowing such connections. (NIST SP 800-171: 3.1.16)
7. Protect wireless access using authentication and encryption. (NIST SP 800-171: 3.1.17)

### B. Awareness and Training

1. Ensure that managers, systems administrators, and users of organizational systems are made aware of the security risks associated with their activities and of the applicable policies, standards, and procedures related to the security of those systems. (NIST SP 800-171: 3.2.1)
2. Ensure that personnel are trained to carry out their assigned information security-related duties and responsibilities. (NIST SP 800-171: 3.2.2)

### C. Audit and Accountability

1. Create and retain system audit logs and records to the extent needed to enable the monitoring, analysis, investigation, and reporting of unlawful or unauthorized system activity. (NIST SP 800-171: 3.3.1)
2. Ensure that the actions of individual system users can be uniquely traced to those users so they can be held accountable for their actions. (NIST SP 800-171: 3.3.2)

### D. Configuration Management

1. Establish and maintain baseline configurations and inventories of organizational systems (including hardware, software, firmware, and documentation) throughout the respective system development life cycles. (NIST SP 800-171: 3.4.1)
  2. Establish and enforce security configuration settings for information technology products employed in organizational systems. (NIST SP 800-171: 3.4.2)
  3. Restrict, disable, or prevent the use of nonessential programs, functions, ports, protocols, and services. (NIST SP 800-171: 3.4.7)
- E. Identification and Authentication
1. Identify system users, processes acting on behalf of users, and devices. (NIST SP 800-171: 3.5.1)
  2. Authenticate (or verify) the identities of users, processes, or devices, as a prerequisite to allowing access to organizational systems. (NIST SP 800-171: 3.5.2)
  3. Enforce a minimum password complexity and change of characters when new passwords are created. (NIST SP 800-171: 3.5.7)
- F. Incident Response
1. Establish an operational incident-handling capability for organizational systems that includes preparation, detection, analysis, containment, recovery, and user response activities. (NIST SP 800-171: 3.6.1)
  2. Track, document, and report incidents to designated officials and/or authorities both internal and external to the organization. (NIST SP 800-171: 3.6.2)
- G. Maintenance
1. Perform maintenance on organizational systems. (NIST SP 800-171: 3.7.1)
  2. Provide controls on the tools, techniques, mechanisms, and personnel used to conduct system maintenance. (NIST SP 800-171: 3.7.2)
  3. Ensure equipment removed for off-site maintenance is sanitized of any Covered Information in accordance with NIST SP 800-88 Revision 1. (NIST SP 800-171: 3.7.3)
- H. Media Protection
1. Protect (i.e., physically control and securely store) system media containing Covered Information, both paper and digital. (NIST SP 800-171: 3.8.1)
  2. Limit access to Covered Information on system media to authorized users. (NIST SP 800-171: 3.8.2)
  3. Sanitize or destroy system media containing Covered Information in accordance with NIST SP 800-88 Revision 1 before disposal or release for reuse. (NIST SP 800-171: 3.8.3)
  4. Control access to media containing Covered Information and maintain accountability for media during transport outside of controlled areas. (NIST SP 800-171: 3.8.5)
- I. Personnel Security
1. Screen individuals prior to authorizing access to organizational systems containing Covered Information. (NIST SP 800-171: 3.9.1)
  2. Ensure that organizational systems containing Covered Information are protected during and after personnel actions such as terminations and transfers. (NIST SP 800-171: 3.9.2)
- J. Physical Protection
1. Limit physical access to organizational systems, equipment, and the respective operating environments to authorized individuals. (NIST SP 800-171: 3.10.1)
  2. Protect and monitor the physical facility and support infrastructure for organizational systems. (NIST SP 800-171: 3.10.2)
- K. Risk Assessment
1. Periodically assess the risk to organizational operations (including mission, functions, image, or reputation), organizational assets, and individuals, resulting from the operation of organizational systems and the associated processing, storage, or transmission of



Covered Information. (NIST SP 800-171: 3.11.1)

2. Scan for vulnerabilities in organizational systems and applications periodically and when new vulnerabilities affecting those systems and applications are identified. (NIST SP 800-171: 3.11.2)
3. Remediate vulnerabilities in accordance with risk assessments. (NIST SP 800-171: 3.11.3)

#### L. Security Assessment

1. Periodically assess the security controls in organizational systems to determine if the controls are effective in their application. (NIST SP 800-171: 3.12.1)
2. Develop and implement plans of action designed to correct deficiencies and reduce or eliminate vulnerabilities in organizational systems. (NIST SP 800-171: 3.12.2)
3. Monitor security controls on an ongoing basis to ensure the continued effectiveness of the controls. (NIST SP 800-171: 3.12.3)

#### M. System and Communications Protection

1. Monitor, control, and protect communications (i.e., information transmitted or received by organizational systems) at the external boundaries and key internal boundaries of organizational systems. (NIST SP 800-171: 3.13.1)
2. Deny network communications traffic by default and allow network communications traffic by exception (i.e., deny all, permit by exception). (NIST SP 800-171: 3.13.6)
3. Protect the confidentiality of Covered Information at rest. (NIST SP 800-171: 3.13.16)

#### N. System and Information Integrity

1. Identify, report, and correct system flaws in a timely manner. (NIST SP 800-171: 3.14.1)
2. Provide protection from malicious code (i.e. Antivirus and Antimalware) at designated locations within organizational systems. (NIST SP 800-171: 3.14.2)
3. Monitor system security alerts and advisories and take action in response. (NIST SP 800-171: 3.14.3)
4. Update malicious code protection mechanisms when new releases are available. (NIST SP 800-171: 3.14.4)

**Monadnock Regional School District (MRSD)  
School Board/Budget Committee Joint Meeting Minutes  
May 21, 2024 (Not Yet Approved)  
Monadnock Regional Middle/High School, Swanzey, NH**

**School Board Members Present:** Scott Peters, Edmond LaPlante, Lisa Steadman, Betty Tatro, Cheryl McDaniel-Thomas, Eric Stanley, Dan LeClair, Hannah Blood, Kristen Noonan, Jennifer Strimbeck, Gina Carraro via Zoom, **Absent:** Brian Bohannon and Jeff Cesaitis.

**Budget Committee Members Present:** Ed Sheldon, Nancy Carney, Betty Tatro, School Board Liaison, Anne Marie Osheyack, Wayne Lechluder, Virginia Doerpholz, Sarah Burgess and Jack Gettens. **Absent:** Bruce Murphy, Jon Hoden, Boug Bersaw, Robert Audette and unassigned seat from Roxbury.

**Administration Present:** J. Rathbun, Superintendent and J. Morin, Business Administrator.

**1. CALL THE MEETING TO ORDER at 7:00 PM:** S. Peters called the meeting to order and did a roll call for the Board. E. Sheldon did a roll call for the Budget Committee.

**2. PUBLIC COMMENTS:** The Board and Budget Committee Members gave fond memories of Neil Moriarty who recently had passed. The Board and the Budget Committee had a moment of silence for Neil Moriarty.

S. Peters introduced the new Board Member from Swanzey, Hannah Blood.

**3. Celebrate # MRSD:**

**a. Powerlifting Club Medal Swag:** The administration is still reviewing the details.

**b. Upcoming Graduation Ceremonies:** J. Rathbun explained that graduation was on June 8, 2024 at 10:00 AM. The School Board is invited and they should let L. Sutton know if they would like to attend and walk with the administration and staff.

J. Rathbun explained that the schools are wrapping up the end of the school year. Grades 3-8 are in the middle of State testing. Everyone is looking forward to Summer. J.Rathbun explained that he was able to go to the Ecology Class for the day with the entire 6th grade. The teachers and staff were very appreciative of the wonderful lunch provided by the Food Service. J.Rathbun thanked Lillian, Beth and Tom for preparing the lunch.

**4. MATTERS FOR SCHOOL BOARD INFORMATION & DISCUSSION:**

**a. Elementary School Renovation Project Overview:** J. Rathbun passed out drawings for the renovations project at MTC. He said there will be a lot of action very quickly.

MTC is project #1 followed by Emerson and hopefully Troy. Fencing will be put up on June 13 at MTC. The softball field will be moved and the playground will come down. It was explained that the playground can not be reused for safety reasons. MTC will be shut down for the summer. The administration will get the word out regarding the changes. The new softball field will be built this summer and the new playground will start being built on August 1, 2024. The septic is also a project at MTC that will need to be done. The Beyond the Bell Summer Program will be housed at MRMHS and the Troy School. J. Rathbun explained that they are ready to go, the permits have come in and are submitted to the town. The Administrative team is working on the transition of the Cutler students to MTC. It is not only about the kids it is also about the staff. It was suggested to form a committee. We have never seen this consolidation as a reduction of staff. It is the hope of the administration to get work done at Emerson and to have the additions up this winter. He commented that he and the staff would like to leave the Troy students at the Troy school during the renovations. This is what is best for the students. June 18 is the groundbreaking at MTC and the Board will plan the time and what it would look like. Hutter is ready. There had been a survey regarding what to call MTC with the consolidation of the Cutler students. Everyone agreed that MTC should stay that name. They would work on a logo and maybe name something after Cutler. There is also the issue of using the mascot from both MTC and Cutler.

**b. District Organizational Chart Overview:** The Organizational Chart was passed out to the Board and the Budget Committee. J. Rathbun explained.

**c. Vacancies Report:** The vacancy report was passed out to the Board and the Budget Committee. There has been great progress with filling in the vacancies. There are currently 28 vacancies and there are 4 interviews this week for elementary school teachers. J. Rathbun also said that there are interviews in the next few weeks. By the end of June the number of vacancies should be cut in half. E.Sheldon would like the report to show the start date. J. Rathbun said it may not show what you want. He will bring the information to the next Budget Committee meeting. *D. LeClair leaves the meeting.*

**d. Overview of MDEA (Monadnock District Education Association):** J. Rathbun passed out information regarding the current MDEA Contract. The complete contract is on the website. The information passed out showed the steps, the health insurance buy out as well as the percentage paid by the district and the fact that the GMR came in at 18.4% instead of 19.5% which the district budgeted for. No information on the negotiations for the new MDEA contract was discussed. The Board asked the Budget Committee for motions regarding what they might want the Board to take into consideration for the upcoming contract.

**e. Proposed Changes to the Budget Process:** The Finance/Facilities Committee is proposing a spreadsheet on a proposed budget process schedule. The committees reviewed the information and the Board would ask the Budget Committee to reconsider the December 17,

2024 Joint Meeting date. The Board would suggest it be earlier.

f. **Student Government Report:** There is no Student Government Report tonight.

g. **Board Meeting Calendar & Goals Update:** The Board reviewed the spread sheet of the upcoming meetings and goal dates of the committees.

5. **BEGIN RECESS (Board): 8:45 PM**

6. **RETURN FROM RECESS: 9:00PM**

7. **MATTERS THAT REQUIRE BOARD ACTION:**

a. **CRC Student Survey:** To be discussed at a future meeting.

b. **Multi-Age Classroom Study:** To be discussed at a future meeting.

c. **Superintendent Goals for 2024/25:** To be discussed at a future meeting.

d. **Approve the Consent Agenda:**

i. **May 7, 2024 Minutes**

ii. **Manifest: MOTION:** K. Noonan **MOVED** to approve the consent agenda: to approve the April 16,2024 School Board Meeting Minutes, and the Manifest in the amount of \$1,701,308.21. **SECOND:** C. McDaniel-Thomas. **VOTE:** 8.302/0/0/4.698. **Motion passes.**

8. **SETTING NEXT MEETING'S AGENDA:**

a. **6/4/2024**

i. **Budget Process Next Step**

ii. **Overview of Fine Arts Programming**

iii. **Policy Committee Annual Report:**

9. **Public Comments:** There were no public comments.

10. **9:04 PM Motion to Enter into Non-Public Session under RSA 91-A:3, II (b) The Hiring of any person as a Public Employee: MOTION:** K.Noonan **MOVED** to Enter into Non-Public Session under RSA 91-A:3, II (b) The Hiring of any person as a Public Employee **SECOND:** C. McDaniel-Thomas. **VOTE:** 8.302/0/0/4.698. **Motion passes.**

11. **9:14 PM Motion to Enter into Non-Public Session under RSA 91-A:3, II ( c ) Matters which, if discussed in public, would likely adversely affect the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. MOTION:** K. Noonan **MOVED** to Enter into Non-Public Session under RSA 91-A:3, II ( c ) Matters which, if discussed in public, would likely adversely affect the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. **SECOND:** C.McDaniel-Thomas **VOTE:** 8.302/0/0/4.698. **Motion passes.**

12. **9:20 PM Motion to Enter into Non-Public Session under RSA 91-A:3, II (a) The dismissal, promotion or compensation of any public employee: MOTION:** K. Noonan

**MOVED** to Enter into Non-Public Session under RSA 91-A:3, II (a) The dismissal, promotion or compensation of any public employee: **SECOND:** C. McDaniel-Thomas **VOTE:** 8.302/0/0/4.698. **Motion passes.**

**13. ADJOURNMENT: MOTION:** K. Noonan **MOVED** to adjourn the meeting at 9:42 PM. **SECOND:** J. Strimbeck **VOTE:** 8.937/0/0/4.063.. **Motion passes.**

**Respectfully submitted,**

**Laura L. Aivaliotis**  
**Recording Secretary**

**VOTING KEY:**Yes/No/Abstain/Absent

**Monadnock Regional School District  
School Board Meeting Minutes  
Non-Public Session  
May 21, 2024 (Not Yet Approved)  
Monadnock Middle/High School Library, Swanzey, NH**

**Members Present:** Scott Peters, Lisa Steadman, Betty Tatro, Cheryl McDaniel-Thomas, Edmond LaPlante, Kristen Noonan, Jennifer Strimbeck, Hannah Blood and Gina Carraro via Zoom. **Absent:** Brian Bohannon, Eric Stanley, Dan LeClair and Jeff Cesaitis.

**Administration Present:** J. Rathbun, Superintendent and J. Morin, Business Administrator.

**9:04 PM Non-Public Session RSA 91-A:3 II (b) Hiring of a public employee:**

**Issue #1: MOTION:** K. Noonan **MOVED** to accept the nominations of Andrew Carroll, Stephanie Smith and Rosanna Landau as presented by the Superintendent. **SECOND:** C. McDaniel-Thomas. **VOTE:** 8.302/0/0/4.698. **Motion passes.**

**Issue #2:** J. Rathbun explained that he would like to nominate Greg Pickering as the new Middle/High School Principal. J. Rathbun thanked and applauded the committee for their work. **MOTION:** C. McDaniel-Thomas **MOVED** to accept the nomination of the Superintendent for Greg Pickering as the new Middle/High School Principal. **SECOND:** B. Tatro. **VOTE:** 8.302/0/0/4.698. **Motion passes.**

**MOTION:** K. Noonan **MOVED** to leave Non-Public Session. **SECOND:** B. Tatro  
**VOTE:** 8.302/0/0/4.698. **Motion passes.**

**Respectfully submitted,**

**Laura L. Aivaliotis  
Recording Secretary**

**Monadnock Regional School District  
School Board Meeting Minutes  
Non-Public Session (Not Yet Approved)  
May 21, 2024  
MRMHS Library/Zoom, Swanzey, NH**

**Members Present:** Kristen Noonan, Betty Tatro, Lisa Steadman, Scott Peters, Edmond LaPlante, C. McDaniel-Thomas, Jennifer Strimbeck, Hannah Blood and Gina Carraro via Zoom. **Absent:** Eric Stanley, Dan LeClair, Jeff Cesaitis and Brian Bohannon

**Administration Present:** J. Rathbun, Assistant Superintendent and J. Morin, Business Administrator.

**9:20 PM Non-Public Session RSA 91-A:3 II (a) The dismissal, promotion, of compensation of any public employee:**

**Issue #1:** J. Rathbun explained that the administration is recommending COLA for the non-affiliated staff at the SAU who are not part of a Union. He is not asking for a market adjustment. The School Board is doing the non-affiliated staff study. The recommendation is 5% for SAU employees and 4% for the administration. This is in line with other districts. There is no market adjustment, only asking for a COLA. The salary recommendation for the new MRMHS principal, Greg Pickering is \$105,000.00 and the salary recommendation for the Assistant Superintendent, Lisa Spencer is \$117,000.00. J. Morin explained that there are funds in the budget for the increases and the GMR came in at a lower percentage rate.

**MOTION:** J. Strimbeck **MOVED** to accept the COLA wage and salary increase for the non-affiliated staff as presented by the Superintendent. **SECOND:** K. Noonan. **VOTE:** 8.302/0/0/4.698. **Motion passes.**

**J. Rathbun and J. Morin leave the meeting.**

**Issue #2:** S. Peters presented the salary increase as recommended by the Superintendent. The Board discussed the salary and felt a larger increase was deserving. The Board voted to go with the wishes of the Superintendent and increase his salary to the COLA. He wanted his salary to be in line with the rest of the SAU staff. **MOTION:** J. Strimbeck **MOVED** to set the Superintendent's compensation to the COLA at 4% equal to a salary of \$135,200.00.

**SECOND:** L. Steadman **VOTE:** 8.302/0/0/4.698. **Motion passes.**

**MOTION:** K. Noonan **MOVED** to leave Non-Public Session. **SECOND:** B. Tatro **VOTE:** 8.302/0/0/4.698. **Motion passes.**

**Respectfully submitted,**

**Laura L. Aivaliotis  
Recording Secretary**

**Monadnock Regional School District  
School Board Meeting Minutes  
Non-Public Session  
May 21, 2024(Not Yet Approved)  
Monadnock Middle/High School Library, Swanzey, NH**

**Members Present:** Scott Peters, Lisa Steadman, Betty Tatro, Cheryl McDaniel-Thomas, Edmond LaPlante, Kristen Noonan, Gina Carraro via Zoom, Jennifer Strimbeck and Hannah Blood **Absent:** Brian Bohannon, Eric Stanley, Dan LeClair and Jeff Cesaitis.

**Administration Present:** J. Rathbun, Superintendent and J. Morin, Business Administrator.

**9:14 PM Non-Public Session RSA 91-A:3 II ( c ) Matters which, if discussed in public, would likely adversely affect the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting.**

**Issue #1: MOTION:** K. Noonan **MOVED** to approve the 5 unpaid leave days for Harold Breed, 2 unpaid leave days for Deb Russell and 2 unpaid leave days for Sharon Duquette as recommended by the administration **SECOND:** J. Strimbeck **VOTE:** 8.302/0/0/4.698. **Motion passes.**

**Issue #2: Notification:** Joe Campbell and Hannah DeRuosi will be resigning as of June 2024.

**MOTION:** K. Noonan **MOVED** to leave Non-Public Session. **SECOND:** C.McDaniel-Thomas **VOTE:** 8.302/0/0/4.698. **Motion passes.**

**Respectfully submitted,**

**Laura L. Aivaliotis  
Recording Secretary**



**Monadnock Regional School District (MRSD)**  
**EMERGENCY MEETING**  
**School Board Meeting Minutes**  
**June 4, 2024**  
**MRMHS Library, Swanzey, NH**

**Members Present:** Kristen Noonan, Betty Tatro, Ed LaPlante, Scott Peters and Dan LeClair,  
**Absent:** Eric Stanley, Brian Bohannon, Lisa Steadman, Cheryl McDaniel-Thomas, Hannah Blood, Jeff Cesaitis, Gina Carraro and Jennifer Strimbeck

**Administration Present:** J. Rathbun, Superintendent, C. Woods Director of Student Services and J. Morin, Business Administrator.

1. **CALL TO ORDER:** S.Peters called the meeting to order at 7:00PM. He explained that this Emergency Meeting is called to order only for certain issues, the manifest and non-public session. These items can not wait until the next regular Board Meeting.

2. **Public Comments:** There were no public comments.

3. **MATTERS THAT REQUIRE BOARD ACTION:**

a. **Manifest:** The Board Members are asked to sign the manifest. **MOTION:** K. Noonan **MOVED** to approve the manifest in the amount of \$1,710,445.45. **SECOND:** B. Tatro **VOTE:** 5.474/0/0/7.526. **Motion passes.**

4. **Enter into Non-Public Session under RSA 91-A:3-II ( b ) The hiring of any person as a public employee:** **MOTION:** K. Noonan **MOVED** to enter into Non-Public Session under RSA 91-A:3-II ( b ) The hiring of any person as a public employee **SECOND:** D. LeClair. **VOTE:** 5.474/0/0/7.526, **Motion passes.**

5. **Public Session:** J. Rathbun informed the Board that the District has hired Katherine Wallace as a paraprofessional.

M. Alberta, M. Spaulding, M. Peters and J. Lopes will be resigning.

6. **ADJOURNMENT:** **MOTION:** K. Noonan **MOVED** to adjourn the meeting at 7:07 PM. **SECOND:** B. Tatro **VOTE:** 5.474/0/0/7.526. **Motion passes.**

**Respectfully submitted,**

**Laura L. Aivaliotis**  
**Recording Secretary**

**VOTING KEY:**Yes/No/Abstain/Absent

**Monadnock Regional School District (MRSD)**  
**EMERGENCY MEETING**  
**Non-Public School Board Meeting Minutes**  
**June 4, 2024**  
**MRMHS Library, Swanzey, NH**

**Members Present:** Kristen Noonan, Betty Tatro, Ed LaPlante, Scott Peters and Dan LeClair,  
**Absent:** Eric Stanley, Brian Bohannon, Lisa Steadman, Cheryl McDaniel-Thomas, Hannah Blood, Jeff Cesaitis, Gina Carraro and Jennifer Strimbeck

**Administration Present:** J. Rathbun, Superintendent and J. Morin, Business Administrator.

**Enter into Non-Public Session under RSA 91-A:3-II ( b ) The hiring of any person as a public employee:**

**Issue #1: MOTION:** K. Noonan **MOVED** to accept the nomination of Linda Middleton as the grade 1 and 2 combination teacher at Gilsum as presented by J. Rathbun. **SECOND:** D. LeClair.  
**VOTE:** 5.474/0/0/7.526. **Motion passes.**

**Respectfully submitted,**

**Laura L. Aivaliotis**  
**Recording Secretary**

**VOTING KEY:**Yes/No/Abstain/Absent