

**Monadnock Regional School District & SAU #93
School Board & Budget Committee Joint Agenda
June 4, 2024**

In-Person MRMHS Library 7:00 pm

ZOOM

Meeting ID: 82463609779 Passcode: 953394 Phone:(US) +1 669-900-6833

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. Night School Graduation
4. MATTERS FOR INFORMATION & DISCUSSION
 - a. Mt. Caesar Ground-Breaking Ceremony
 - b. Policy Committee Annual Review
 - c. NHSBA Call for Resolutions
 - 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)
 - e. Standing agenda: Student Government Report
 - f. Standing agenda: Board Meeting Calendar & Goals Update
 - g. Overview of Fine Arts Programming
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. * Approve the Consent Agenda
 - i. May 21st, 2024 Minutes
 - ii. Manifest
 - iii. Budget Transfer(s), if any
6. SETTING NEXT MEETING’S AGENDA
 - a. 6/18/2024
 - i. Deliver Instructional Plan to Board
 - ii. Motions to encumber funds, if any
 - iii. Motion to empower the Superintendent to Hire
 - iv. Motion to approve Data Governance Plan
 - v. Manifest signatures during Summer
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:

6/4/2024	Community Relations Committee	6:00 pm	MRMHS Library
6/4/2024	MRSD/SAU 93 School Board	7:00 pm	MRMHS Library
6/11/2024	Policy Committee	7:00 pm	SAU Conference Room
6/12/2024	Finance & Facilities	6:30 pm	SAU Conference Room
6/18/2024	MRSD/SAU 93 School Board	7:00 pm	MRMHS Library
6/25/2024	Budget Committee	7:00 pm	MRMHS Library
6/26/2024	Education Committee	6:00 pm	SAU Conference Room

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.
-

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
-

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.

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.

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.

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
-

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	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.

District Administrative Adoption History:

First adopted: May 14, 2024
Revised: _____

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 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

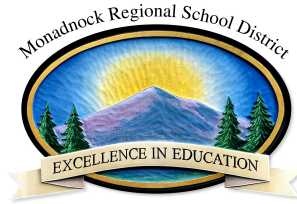
Federal Regulations

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	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.

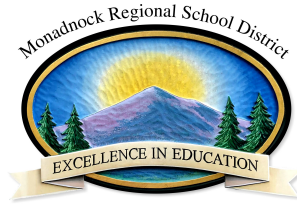
(d) In the event that the first set of fingerprints is invalid and the second set of fingerprints is necessary in order to complete the Criminal History Records Check, the conditional offer of employment shall remain in effect.

(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	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



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 22nd 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](#)

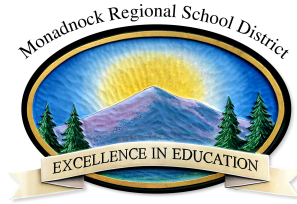
[Pupil Safety and Violence Prevention](#)

[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	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 21st 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 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
 Web Contact: 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](#)
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[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

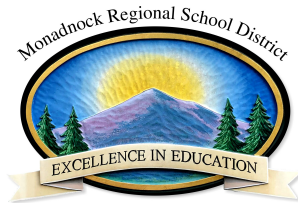
Pupil Safety and Violence Prevention

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	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:

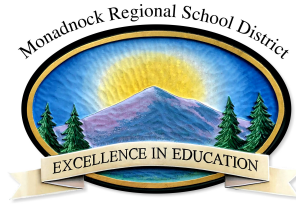
NH Code of Administrative Rules, Section Ed 1107.02(b), Evaluation Requirements for Children With Specific Learning Disabilities

Appendix [IHBA-R](#)

Revised: September 2016

Updated: April 3, 2018

Last Modified by Lillian Sutton on February 17, 2020



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](#)

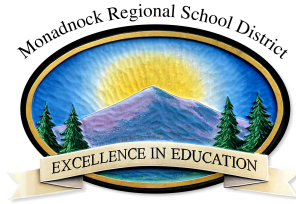
JICK-R(1) [Pupil Safety and Violence Prevention - Report Form](#) JICK-R(2) [Pupil Safety and Violence Prevention - Bullying Report Form](#) JICK-R(3) [Pupil Safety and Violence Prevention - School Board Notification of Bullying Report](#) JIJ [Student Protests, Demonstrations and Strikes](#) JLDBA [Behavior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

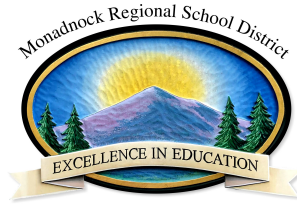
RSA 651:5, XIII "Act of Violence"

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 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

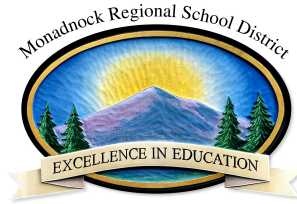
GBED – Tobacco-Free Workplace

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:

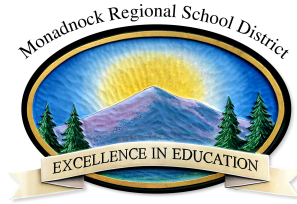
GBEC – Drug-Free Workplace/Drug-Free School

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Last Modified by Lillian Sutton on September 19, 2023



Book	J: Students
Section	Series J
Title	DRAFT of Use of Restraints and Seclusion
Code	JKAA
Status	First Reading
Adopted	November 16, 2010
Last Revised	May 14, 2024

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, thier 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

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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

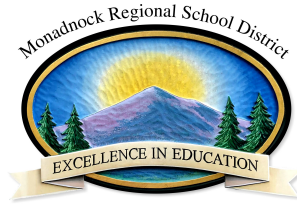
GBEAB Mandatory Code of Conduct Reporting - All Employees

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	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

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Last Modified by Lillian Sutton on October 27, 2023

**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**