

Monadnock Regional School District & SAU #93
School Board Agenda
October 17th, 2023
In-Person MRMHS Library & Webinar Link 7:00 pm
Join [Zoom](#) Meeting
Meeting ID: 89543313141 Passcode: 338889 (US) +1 312-626-6799

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
2. PUBLIC COMMENTS (15 minutes)
3. #celebrateMRSD
 - a. MRMHS Student Government Representative Introduction - Owen Higgins (Troy)
4. MATTERS FOR SCHOOL BOARD INFORMATION & DISCUSSION
 - a. NHSBA Delegate Assembly Recap
 - b. Health Insurance GMR
 - c. Staffing Update
 - d. 2023/24 School Board Goals
 - i. Superintendent Search Update
 - ii. Education Committee: Education Strategy Presentation
 - iii. Cohort Review: "Work Ethic & Behavior"
5. MATTERS THAT REQUIRE BOARD ACTION
 - a. * Approve 2023/24 Education Philosophy
 - b. * Refer Annual Philosophy Review to Policy Committee to convert to policy and add to BDA-R
 - c. * Policies for 2nd Read:
 - i. EHAB- Data Governance and Security
 - ii. JCA- Change of Class of School or Assignment Best Interests and Manifest Hardship
 - iii. JKAA- Use of Restraints and Seclusion
 - d. * Approve 2024/25 Capital Improvement Plan
 - e. * Approve the Consent Agenda
 - i. October 3rd, 2023 Minutes (public and non-public)
 - ii. Manifest
6. SETTING NEXT MEETING'S AGENDA
7. PUBLIC COMMENTS (15 minutes)
8. NON-PUBLIC SESSIONS under RSA 91-A:3. II
 - a. * TBD as needed
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:

| | | | |
|------------|----------------------------------|---------|--------------------------|
| 10/17/2023 | MRSD/SAU 93 School Board | 7:00 pm | MRMHS Library |
| 10/19/2023 | Policy Committee | 7:00 pm | SAU Conference Room |
| 10/23/2023 | Superintendent Search Committee | 6:30 pm | Wilcox Conference Center |
| 10/24/2023 | Budget Committee | 7:00 pm | MRMHS Library |
| 10/25/2023 | Education & Technology Committee | 6:00 pm | SAU Conference Room |
| 11/7/2023 | MRSD/SAU 93 School Board | 7:00 pm | Emerson Elementary |
| 11/9/2023 | Extra-Curricular Committee | 6:00 pm | SAU Conference Room |
| 11/9/2023 | Superintendent Search Committee | 6:30 pm | Wilcox Conference Room |
| 11/14/2023 | Finance & Facilities Committee | 7:00 pm | SAU Conference Room |
| 11/16/2023 | Policy Committee | 7:00 pm | SAU Conference Room |

November 18, 2023
Annual Joint School Board and Budget Committee Meeting
9:00 am
MRMHS Library

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

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

Recap of the NHSBA delegate assembly, October 14th 2023

1-7: Adoption of continuing resolutions

Resolutions that passed in prior years must be affirmed for two additional years in order to become part of the standard playbook/policy used by New Hampshire School Boards Association. These were the resolutions from previous years that needed to be confirmed: (paraphrased)

1. School District should be held harmless for pandemic related reductions in enrollment
2. NHSBA supports diversity equity and inclusion in all aspects in our schools
3. NHSBA supports amendment of rsa-91-a to allow for remote participation of all public members of a school board meeting
4. NHSBA supports amending RSA 91a to allow committees subcommittees and advisory committees to hold meetings without having a quorum physically present
5. NHSBA supports at the state and federal government seek and provide viable sustainable permanent funding to provide School breakfast and lunch at no cost to students
6. NHSBA supports Public School approval standards that encompass holistic and comprehensive academics subject areas including English language arts and reading mathematics science social studies to include civics government economics geography history and Holocaust and genocide education
7. NHSBA will advocate to ensure local school boards comply with Federal firearm laws

At the meeting: There was a motion to accept the block of all seven continuing resolutions

At the meeting: There was then a motion to amend the list and remove number three.

At the meeting: The amendment passed and then the motion passed

8. Submitted by the Oyster River Cooperative School Board on 7/4/2023

Original Proposed Resolution:

The NHSBA opposes any policy affecting curriculum that enables parents, guardians or other individuals or organizations to circumvent already extant local school board review policies and exposes teachers to civil suits and sanctions at the state level.

NHSBA Board of Directors recommendation: Do no support, too broad

At the meeting: Oyster River School Board worked with NHSBA after the printing deadline to craft a proposed alternative resolution that read:
NHSBA opposes any legislation that divests local school boards of original jurisdiction relative to complaints about local curriculum instruction and instructional resources such as books library materials and other instructional resources. further nhsba opposes any legislation that subjects School District staff to civil lawsuits and sanctions relative to curriculum and instruction.

MRSD Board: Support NHSBA Position on original submission

At the meeting: Alternative Passed

9. Submitted by the Dover School Board on 7/10/2023

Original Proposed Resolution:

NHSBA affirms the qualification of school librarians to research and select appropriate digital and printed material for school libraries. Recognizing that marginalized groups have been historically underrepresented in school libraries, literary collections should offer students information that provides a balance of ethnic, political, religious, and cultural values. Further, library material should represent diverse points of view, provide a global perspective, stimulate critical thinking skills, and meet the interests, abilities, learning styles, and information needs of the learning community.

NHSBA Board of Directors recommendation: Support alternative language.

Proposed Alternative Resolution: Further amended **At the meeting:**

NHSBA affirms the qualifications of certified staff to research and select appropriate digital and printed material for schools. Literary and curricular collections should offer students information that provides a balance of ethnic, political, religious, and cultural values. Further, literary collections should represent diverse points of view; provide a global perspective; stimulate essential thinking skills; and meet the interests, abilities, learning styles, and information needs of the learning community.

MRSD Board: Support

At the meeting: Revised language passed

10. Submitted by the Raymond School Board on 7/28/2023

Proposed Resolution:

To include an estimate of actual food service costs for the upcoming year in the preparation of the upcoming default budget.

NHSBA Board of Directors recommendation: Not Support

MRSD Board: Support NHSBA Position on original submission

At the meeting: Failed for lack of a second

11. Submitted by the Monadnock Regional School Board on 7/18/2023

Proposed Resolution:

NHSBA will support any legislation that intends to streamline the recruiting, credentialing, and hiring of certified teachers from other states. This resolution is in support of both the State of NH credentialing laws, as well as the interstate compact and reciprocity between NH and neighboring states. This resolution also supports changes to reduce barriers to teachers from other states who wish to transfer retirement savings from their current retirement program into the NH Retirement system.

NHSBA Board of Directors recommendation: Support alternative language.

NHSBA Supports any legislation...

MRSD Board: Support NHSBA's proposed alternative

At the meeting: Alternative Passed

12. Submitted by the Monadnock Regional School Board on 7/18/2023

Proposed Resolution:

NHSBA will support legislation that clarifies the responsibility and accountability of parents/guardians of students who do not conduct themselves according to local laws or school policies. NHSBA will also support legislation that clarifies the protocols for school districts to follow in disciplining students and holding parent/guardian(s) accountable.

NHSBA Board of Directors recommendation: Support alternative language.

Proposed Alternative Resolution:

NHSBA urges the New Hampshire Legislature and Department of Education to clarify the responsibilities, obligations and rights of school boards and school districts when students do not attend school on a regular basis; are habitually truant; and otherwise do not conform to the rules and regulations of the district.

MRSD Board: Support NHSBA's proposed alternative

At the meeting: There was a motion from another district to accept what we originally submitted. Motion failed

At the meeting: Alternative Passed

13. Submitted by the Monadnock Regional School Board on 7/18/2023

Proposed Resolution:

NHSBA will support legislation that creates flexibility for town moderators and moderators of cooperative school districts to postpone school district elections in the event of inclement weather.

NHSBA Board of Directors Recommendation: Support.

MRSD Board: Support

At the meeting: Passed as submitted

14. Submitted by the Manchester Board of School Committee on 7/28/2023

Proposed Resolution:

The Manchester Board of School Committee proposes that the language of the Resolution II-C be amended and strengthened as follows, to increase funding significantly for Building Aid:

NHSBA supports additional appropriations under RSA 198:15-a, IV, the state's Building Aid Program to adequately fund all necessary school facility needs. This program has effectively created local and state partnerships in financing school building improvements that benefit all students of New Hampshire, and which should be considered a significant part of fulfilling the State's constitutional duty to provide an adequate education to all children. (First Adopted in 2000 – Revised in 2014)

NHSBA Board of Directors Recommendation: Support.

MRSD Board: Support

At the meeting: Passed as submitted

15. Submitted by the Manchester Board of School Committee on 7/28/2023

Proposed Resolution:

We propose strengthening the language of the continuing resolution II-S: advocate for funding for universal Pre-K; Pre-K programming; and related facilities costs.

NHSBA Board of Directors recommendation: Support alternative language.

Proposed Alternative Resolution:

Amend NHSBA II:S to read "NHSBA supports additional state adequacy aid for public pre-kindergarten."

Currently, Resolution II:S reads "NHSBA supports the study of the establishment of additional state adequacy aid for public pre-kindergarten." (2017)

MRSD Board: Support NHSBA's proposed alternative

At the meeting: Alternative Passed

16. Submitted by the Manchester Board of School Committee on 7/28/2023

Proposed Resolution:

We support advocating for state sustainability incentives, opportunities, and targeted goals for energy efficiency and the expansion of renewable energy; resources for electric school buses; and capital funding dedicated to sustainability-related building construction, renovation, and infrastructure.

NHSBA Board of Directors recommendation: Not support.

MRSD Board: Support NHSBA's position to not support

At the meeting: Failed, as recommended by NHSBA

17. Submitted by the Manchester Board of School Committee on 7/28/2023

Proposed Resolution:

We propose advocating that Medicaid be used as primary calculator for free and reduced Lunch numbers for NH school districts; advocating for the State to join the Medicaid Direct Certification program; advocate that Medicaid to Schools (MTS) be revised to allow greater flexibility in sign off (by guidance counselors, e.g.); reduce administrative burden on localities; and fund an increase in per service fees.

NHSBA Board of Directors recommendation: Support alternative language.

Proposed Alternative Resolution(s): The NHSBA Board of Directors recommends splitting this proposal into three separate resolutions.

(1) NHSBA supports legislation and rulemaking that requires the state of New Hampshire and NH Department of Education to participate in the federal Medicaid Direct Certification Program to calculate eligibility more accurately for free and reduced lunch programs.

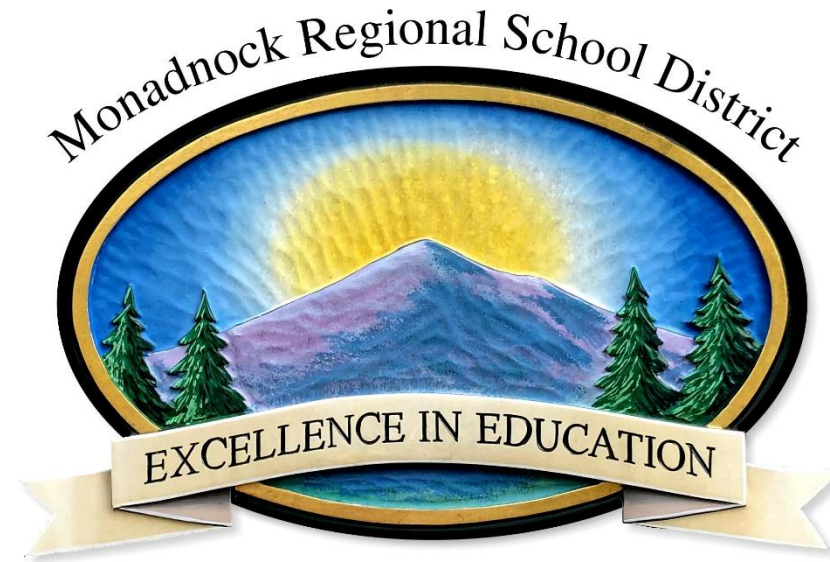
(2) NHSBA supports legislation and rulemaking that helps make Medicaid to Schools (MTS) funding more accessible for school districts by allowing greater flexibility in sign off (by school counselors, e.g.) and by supporting implied parental consent after school district due diligence and a clearly defined and executable opt-out process for accessing public benefits for students with disabilities. (Added above)

(3) NHSBA will support legislation and rulemaking that proposes an increase in per service fees under Medicaid programs.

MRSD Board: Support NHSBA's proposed changes

At the meeting: Alternative Passed with the highlighted ammendments

| Total Vacancies 2023/24 | | Count | Current Vacancies 2023/24 | | Count |
|-------------------------------|--|-------|--|--|-------|
| Paraprofessional | | 17 | Paraprofessional | | 6 |
| Special Ed Teacher | | 7 | Special Ed Teacher | | 2 |
| Social Worker | | 2 | Social Worker | | 1 |
| Buildings & Grounds | | 1 | Buildings & Grounds | | 1 |
| Nurse | | 2 | Nurse | | 1 |
| Reading Specialist | | 1 | Reading Specialist | | 1 |
| School Psychologist (.5) | | 1 | School Psychologist (.5) | | 1 |
| Spanish Teacher | | 1 | Spanish Teacher | | 1 |
| School Counselor (.6) | | 1 | School Counselor (.6) | | 1 |
| Science Teacher | | 2 | Science Teacher | | 0 |
| Elementary Teacher | | 6 | Elementary Teacher | | 0 |
| Math Teacher | | 2 | Math Teacher | | 0 |
| Art Teacher | | 1 | Art Teacher | | 0 |
| Administrative Assistant | | 1 | Administrative Assistant | | 0 |
| Wellness Interventionist | | 1 | Wellness Interventionist | | 0 |
| Speech Pathologist | | 2 | Speech Pathologist | | 0 |
| School Psychologist | | 2 | School Psychologist | | 0 |
| ASL Interpreter | | 1 | ASL Interpreter | | 0 |
| Principal | | 1 | Principal | | 0 |
| Assistant Principal | | 1 | Assistant Principal | | 0 |
| Social Studies Teacher | | 1 | Social Studies Teacher | | 0 |
| Woodworking Teacher | | 1 | Woodworking Teacher | | 0 |
| Grant - School Counselor (.5) | | 1 | Grant - School Counselor (.5) | | 0 |
| English Teacher | | 3 | English Teacher | | 0 |
| School Counselor | | 2 | School Counselor | | 0 |
| District Data Specialist | | 1 | District Data Specialist | | 0 |
| Intervention Teacher | | 1 | Intervention Teacher | | 0 |
| | | | Contracted Services: School Psychologist (2), ASL Interpreter (1), Speech Pathologist (2) | | |
| 10/17/2023 | | 63 | 10/17/2023 | | 15 |



Long-Term Education Strategy & Initiatives

2023/24

Purpose

- ▶ **Identify Areas of Improvement for Education Within MRSD**
- ▶ **Create Educational Initiatives with**
 - ▶ Multi-time, time-based goals
 - ▶ Specific investment strategies, either financial or org-based
 - ▶ Clear ways to measure success
 - ▶ Organized in a multi-year plan, similar to the Capital Improvement Plan
- ▶ **Create an annual cycle of review and calibration**
 - ▶ Add, edit, or remove initiatives
 - ▶ Identify funding mechanisms, such as grants, warrant articles, or the proposed budget
 - ▶ Create policies to ensure future boards honor the process

Problem Statement

- ▶ **Task #1 - Identify Areas of Improvement for Education Within MRSD**

- ▶ **ALTHOUGH...** The district has a mission statement
- ▶ **AND...**The Educational Teams have a strong track record, as evidenced by:
 - ▶ Graduation rates
 - ▶ Athletic & extracurricular participation
 - ▶ College acceptance rates
 - ▶ Noted alumni success stories
 - ▶ General commentary from the local community

- ▶ **AND...**The Educational Teams have tools and methods that are influenced by:
 - ▶ NHDOE standards
 - ▶ SAU guidance
 - ▶ Building Principal leadership
 - ▶ Professional Development Investments
 - ▶ Each teacher's personal education and style

- ▶ **HOWEVER...**

Purpose & Problem Statement

- ▶ **BECAUSE... the school board of education does not have:**
 - ▶ A clear understanding of competency vs. growth vs. achievement
 - ▶ A clear understanding of how/why our teachers execute the job
 - ▶ A clear understanding of the barriers to education
 - ▶ clear understanding of the art vs. science of what education IS
 - ▶ E.g. the end goal/purpose of graduation
 - ▶ A clear understanding of how we measure success
 - ▶ E.g. there isn't a long-standing, single measuring system from State of NH DOE
 - ▶ Consistent board membership year to year
- ▶ **THEREFORE...The board has never crafted and published:**
 - ▶ A clear, singular educational philosophy
 - ▶ A process/policy to annually review education standards
 - ▶ Anything to declare alignment with NHDOE standards
 - ▶ Or the ability to declare where we are best in class (exceeding NHDOE standards)
 - ▶ A multi-year educational growth or investment plan

Primary Goal of the Education Committee, similar to the Finance CIP

Purpose & Problem Statement

- ▶ **AS A RESULT...** The board often:
 - ▶ Cannot discern between patterns and themes vs. one community member's vocal concern
 - ▶ Questions leadership when they hear confusion from parents
 - ▶ Asks for data in too many ways, or without a solid vision for what they are looking for
 - ▶ Asks their own personal questions about educational standards, trying to seek 'alignment' between their childhood experiences and current district method/approach
 - ▶ Tries to compare our district to other districts as a measure of success
 - ▶ Does not know what to focus on for areas of improvement
 - ▶ *Cannot express to the public if we are delivering a poor, adequate, or excellent education*
 - ▶ *Cannot clearly identify areas of specific improvement*

Challenge #1 - Lines of Responsibility

| Fact/ Philosophy Level | Definition | Responsibility |
|--|---|---------------------------------|
| Philosophy Statement | <ul style="list-style-type: none"> At MRSD, we believe that... | Board |
| Policy or DOE Standard | <ul style="list-style-type: none"> Policy XYZ states "..." NH DOE #123 states "..." | Board Decides Admin Executes |
| Handbook Rules or Standard of Excellence | <ul style="list-style-type: none"> At MRSD, our philosophy is <aligned with/ is stronger than> <policy or DOE standard>, and we (Admin) believe this is the right approach because xyz | Administration |
| Operational Standard | <ul style="list-style-type: none"> At <...> school, the standard practice is xyz. It is documented using xyz, and the escalation path is xyz Variations expected between Elementary, Middle, & High schools | Administration |
| Current Performance | <ul style="list-style-type: none"> The current operational standard is/ is not followed x% of the time The current standard does/ does not meet policy because xyz The current standard does/ does not meet the current need because xyz | Administration |
| Improvement Goal | <ul style="list-style-type: none"> By mm/dd/yy, we need to xyz. We will measure success by doing xyz We do not have any improvement goals at this time; we believe we are on track and should continue the current approach | Board |

Challenge #2 - Terminology

Bloom's Taxonomy

Combining parts to make a new whole

Create

Judging the value of information or ideas

Evaluate

Breaking down information into component parts

Analyze

Applying the facts, rules, concepts, and ideas

Apply

Understanding what the facts mean

Understand

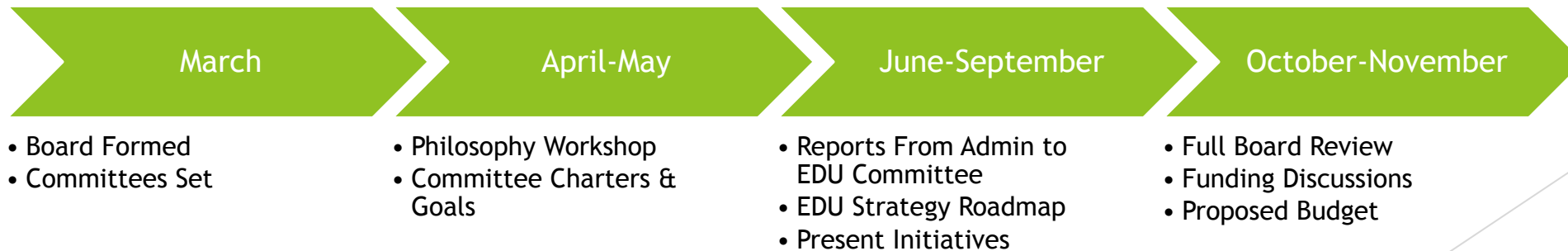
Recognizing and recalling facts

Remember

| TERM | DEFINITION |
|-------------|---|
| ACADEMICS | As each student progresses to the next level, they should remember, understand, and be able to apply the skills they have learned. Students are considered proficient when they can apply the skills, and will have achieved mastery when they can analyze, evaluate, and create. |
| COMPETENCY | A competency is a state-defined standard of minimum learning for a given skill; it defines what a student should know or be able to do. Students are proficient when they meet competency standards. |
| PROFICIENCY | A student is considered proficient in a competency when they are able to demonstrate that they can remember, understand, and apply their knowledge (Bloom's Taxonomy). |

2023/24 Education Philosophy

- ▶ Is based on discovery done by Education committee
 - ▶ Is based on current practice
 - ▶ Is validated by Administration to be the true current state
 - ▶ May not align with each board member's personal philosophy
 - ▶ Will have a 2nd layer of depth (under construction)
-
- ▶ In year 2 we will develop a board retreat / workshop method to onboard new members, solicit input from the board, and update the philosophy for the year
 - ▶ In year 2 we will develop a formal, printed version of the philosophy and initiatives that can be mailed or handed to incoming parents



2023/24 Education Philosophy

| Tenet | Philosophy |
|-------------------------|--|
| READY FOR SCHOOL | We believe that parents/guardians are responsible to send children to school who are ready to learn, meaning: appropriately fed, rested, clothed, and have the necessary tools such as supplies, homework, medication, snack, lunch, etc. However, when a student comes to school without any of these requirements, it is our moral obligation to fill the need. For students to learn and grow, these needs must be met first |
| NUTRITION | The Board recognizes the importance of proper nutrition and developmentally appropriate physical activity as ways of promoting healthy lifestyles, minimizing childhood obesity, and preventing other diet-related chronic diseases. The Board also recognizes that health and student success are interrelated. It is, therefore, the goal of the Board that the learning environment positively influences a student's understanding, beliefs, and habits as they relate to good nutrition and physical activity |

2023/24 Education Philosophy

| Tenet | Philosophy |
|-------------------|--|
| WORK ETHIC | We believe that every student needs to be challenged, and should respond with effort within and outside of the classroom. We also believe that every student should learn to work independently to reach their goals. As students progress into middle school, they should learn to work with diverse groups of their peers. As students progress into high school they should learn how to plan their time in advance in order to reach long term goals |
| | |
| ATTENDANCE | We believe that students must be present to learn the required competencies, but also to properly develop social skills, work ethic, and participate in field trips or extracurricular activities. When a student misses school for any reason, it is the parents'/guardians' responsibility to ensure their child makes up the missed schoolwork |
| | |

2023/24 Education Philosophy

| Tenet | Philosophy |
|---------------------------|---|
| SOCIAL / EMOTIONAL | We believe that every student needs five key components to be successful in managing themselves and their relationships. They are self awareness, self management, social awareness, relationship skills, and responsible decision making. As they grow and learn to manage their feelings, we provide safe spaces for students to express and confide in trusted adults. |
| BEHAVIOR | We believe that every student must learn to be respectful, responsible, safe, kind, work together as a team when needed, and follow rules/direction/expectations. The Board recognizes that student conduct in school is an expression of their home life situation and upbringing. It is, therefore, the belief of the Board that ...PLACEHOLDER |

2023/24 Education Philosophy

| Tenet | Philosophy |
|--------------------|--|
| COMPETENCY | We believe that every student should make continual learning progress (growth). We believe that students should be measured often in order to ensure that growth is happening |
| ACHIEVEMENT | We believe that achievement is both the proof and the celebration of growth over time. Achievement includes test scores, awards, and graduations |
| ASSESSMENT | We believe in a mixture of competency based assessment along with a traditional score-based achievement assessment. We trust our administration and teaching staff to develop the right mixture and methods for the student body at hand |

Policy Motions and Actions from September 21, 2023

EHAB- Data Governance and Security

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

- Required by law
 - NHSBA Rationale: sample EHAB was revised in response to passage of SB213, which amended both RSA 189:66, V and RSA 189:70, IV(b). The revisions to sample EHAB included adding new paragraph B.1(f), and a second paragraph to Section G, both acknowledging the exceptions created by SB213 relative to allowing student social media accounts (with parental consent) relative to career exploration or CTE participation to be included in a program of studies. "PII" was also added to the definition of confidential data in Section A.
-
-

JCA- Change of Class of School or Assignment Best Interests and Manifest Hardship

MOTION: *To update policy JCA with NHSBA sample and committee updates.*

- Required by law
 - Revisions include clarification of board's authority to approve Superintendent's assignment of students to approved private schools (see 2023 passage of SB77), as well as other revisions: (1) clarifying standards for consideration of requests for assignment to private schools, and annual review of both best interest and manifest hardship assignments, (2) adding language to section and footnote regarding transportation obligations in manifest hardship cases, and (3) minor format/grammar changes.
-

JKAA- Use of Restraints and Seclusion

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

- Required by law

- Substantial revisions and reformatting throughout. The impetus for revision was the 2023 passage of SB179 and HB491, both amending provisions of RSA 126-U. SB179 refined the definition of seclusion, and added a requirement for use of “co-regulators”. SB179 further requires the Dept. of Education and Dept. of Health and Human Services to develop a form for reporting the information required in RSA 126-U:7, II. As of preliminary release of this revision (9/8/2023), the form had not been released. HB491 added a specific definition and prohibition of the use of “prone restraint” (previously would have been prohibited as a form of dangerous restraint technique). Sections also added to sample policy relative to mandated reporting for violations of RSA 126-U, and review of IEPs, 504 plans, behavior intervention plans, or other such individualized plans following use of restraint or seclusion.
-

Committee work not requiring board action

ACN- Nursing Mothers Accommodation

MOTION: *Refer policy ACN to administration with edits.*

- New policy required by law
- Comments within document
- NHSBA rationale: his new sample policy is intended to reflect the requirements of HB358 (RSA 275:78-83 and the federal Pump for Nursing Mothers (“PUMP”) Act, both of which mandate certain accommodations for nursing mothers. Additionally, the federal Pregnant Worker Fairness Act (“PWFA”) also provides non-discrimination protections for pregnancy related conditions which include post-delivery (e.g., nursing). The PWFA, however, does not include specific provisions relating to nursing, and the provisions of this sample will meet the PWFA's requirements.) While the provisions from HB358 largely parallel some of the requirements of the PUMP, there are some very significant distinctions. Important distinctions include: the PUMP Act does not require employers to adopt a policy concerning expression of milk; while, HB358 does; the PUMP Act implicitly includes breastfeeding, while HB358 explicitly excludes it and only

addresses expression of milk by "manual or mechanical means;" the PUMP Act provides an undue hardship exception for employers with less than 50 employees, while HB358 does not give a prerequisite number of employees for the undue hardship exception. As to the differences in the statute, it is important to note that in many respects the PUMP Act will take priority over the provisions of HB358, especially with respect to the limitations on the hardship exception for districts with more than 50 employees. For a more thorough discussion of the differences and similarities of the two laws, please see the 2023 Legislative Summary entry for HB358. NHSBA revised sample.

GBCD- Background Investigation and Criminal History Records Check

MOTION: *To refer policy GBCD to administration.*

- This policy is required by law
- NHSBA Rationale: Sample revised to reflect: (1) passage of SB39, which reversed the 2020 legislation making the state responsible for criminal history records checks for transportation monitors, and (2) passage of SB136, prohibiting employment or appointment as volunteers of educators whose credentials have been revoked or are under current suspension. The changes relative to bus monitors are found in D.2 and footnotes 5 and 10, and the changes relative to suspended/revoked credentials are found in Section B. The only other significant change is found in Section D.5, wherein language allowing the Superintendent to share information about a criminal record for misdemeanor hires has been revised, with modifications to footnote 8 made to explain options the Board has for a district's policy concerning hiring of persons whose criminal history records check reveals charges, whether convicted or not, for non-section V offenses, and possible charges of Section V offenses that were later pled down or dismissed. Additional minor revisions throughout for clarification and/or style.



| | |
|--------------|------------------------------|
| Book | E: Support Services |
| Section | Series E |
| Title | Data Governance and Security |
| Code | EHAB |
| Status | Active |
| Adopted | March 5, 2019 |
| Last Revised | December 6, 2022 |

DATA GOVERNANCE AND SECURITY

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

A. Definitions

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

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

B. Data and Privacy Governance Plan - Administrative Procedures.

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer ("ISO") (See paragraph C, below) shall create a Data and Privacy Governance Plan ("Data Governance Plan"), to be presented to the Board no later than June 30, 2019. Thereafter, the Superintendent, in consultation with the ISO, shall update the Data Governance Plan for presentation to the Board no later than June 30 each year. **Due to internet security risks, the detailed contents of this governance plan shall be safeguarded.**

The Data Governance Plan shall include:

(a) An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;

- (b) A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- (c) Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);
- (d) A response plan for any breach of information; and
- (e) A requirement for a service provider to meet or exceed standards for data protection and privacy.

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

C. Information Security Officer.

The Superintendent shall designate a member of his/her administrative team to serve as the District's Information Security Officer (ISO). The ISO is responsible for implementing and enforcing the District's security policies and administrative procedures applicable to digital and other electronic data, and suggesting changes to these policies, the Data Governance Plan, and procedures to better protect the confidentiality and security of District data. The ISO will work with the both District and building level administrators and Data managers (paragraph E, below) to advocate for resources, including training, to best secure the District's data.

D. Responsibility and Data Stewardship.

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

E. Data Managers.

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

F. Confidential and Critical Information.

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise.

The Superintendent and/or the ISO shall immediately report any known or suspected cybersecurity incidents within

the District's information systems, or within an information system of any vendor of the District, to the New Hampshire Cyber Integration Center of the Department of Information Technology. The Superintendent and/or the ISO shall disclose all known information and interactions. See RSA 31:103-b.

The ISO or designee will investigate immediately and take any action necessary to secure the information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO, or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach. As a part of this investigation, the ISO or designee will promptly determine the likelihood that any information part of a cybersecurity incident has been or will be misused. If the determination is that the misuse of information has occurred or is reasonably likely to occur, or if a determination cannot be made, the ISO will notify the affected individuals as soon as possible, consistent with the notification requirements under RSA 359-C:20.

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

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

G. Using Online Services and Applications.

District staff members are encouraged to research and utilize online services or applications to engage students and further the District's education mission. District employees, however, are prohibited from installing or using applications, programs or other software, or online system/website, that either stores, collects or shares confidential or critical data/information, until the ISO approves the vendor and the software or service used.

Before approving the use or purchase of any such software or online service, the ISO or designee shall verify that it meets the requirements of the law, Board policy, and the Data Governance Plan, and that it appropriately protects confidential and critical data/information. This prior approval is also required whether or not the software or online service is obtained or used without charge.

H. Training.

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

I. Data Retention and Deletion.

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated [by reference] into the data/record retention schedule established under Policy [EHB](#) and administrative procedure [EHBR](#), including but not limited to, provisions relating to Litigation and Right to Know holds as described in Policy [EHB](#).

J. Consequences

The District may end business relationships with any contractor who fails to follow the law, District policies or procedures, or the confidentiality provisions of any contract.

The District may suspend all access to data or use of District technology resources pending an investigation.

Violations may result in temporary, long-term or permanent suspension of user privileges. The District will cooperate with law enforcement in investigating any unlawful actions.

Revision Dates: 12/6/2022

Category: Priority/Required by Law

Related Policies [EHAA](#), [EHB](#), [GBEBD](#), [GBEF](#), [IHBH](#), [JICJ](#), [JICL](#), [JICM](#), [KD](#), & [KDC](#)

Legal References:

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

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

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

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

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

*RSA 189:65 * Definitions*

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

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

*RSA 189:68 * Student Privacy*

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

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

Policy EHAB: Data Governance and Security

Status: DRAFT

Original Adopted Date: 09/01/2018 | Last Revised Date: Pending | Last Reviewed Date: 08/01/2022

Category: Priority/Required by Law

~~~~~

**ADOPTION/REVISION NOTES -**

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

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

**NHSBA history:** Revised - Sept. 2023, August 2022; New policy - September 2018

NHSBA revision notes, **September 2023**, revised EHAB by adding paragraph B.1(f), and second paragraph to Section G, both in response to passage of SB213, amending both RSA 189:66, V and RSA 189:70, IV(b). Also added "PII" to definition of confidential data in Section A. **August 2022**, revised Section B(1)(d) and Section F reflect the 2022 passage of HB1277 enacting new RSA 31:103-b (applicable to school districts as political subdivisions of the state), as well existing 359-C:19-21, regarding cybersecurity incidents and data breaches respectively; also updated legal references and added additional reference to and resources from the New Hampshire Department of Education. **September 2018**, this policy was created to reflect the requirements of RSA 189:66, V. Districts adopting this sample are advised to closely review their current technology policies for provisions which may be in conflict with provisions of this sample EHAB.

~~~~~

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

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

A. Definitions

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

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

Cybersecurity Incident - an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information processes, stores, or transmits, if that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

B. Data and Privacy Governance Plan - Administrative Procedures.

1. Data Governance Plan. The Superintendent, in consultation with the District Information Security Officer ("ISO") (see paragraph C, below), shall update the Data and Privacy Governance Plan ("Data Governance Plan") for presentation to the Board no later than June 30 each year. [delete Fn.]

The Data Governance Plan shall include:

- a. An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use;
- b. A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed minimum standards set by the New Hampshire Department of Education;
- c. Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools, and extensions used on District hardware, server(s) or through the District network(s);
- d. A response plan for any breach of information/cybersecurity incidents; see RSA 31:103-b and RSA 359-C:19-21; and
- e. A requirement for a service provider to meet or exceed standards for data protection and privacy; and
- f. A provision that students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, which require the provision of personally identifiable information. Copies of written parental consent shall be retained as part of a student's educational record.

The Data Governance Plan shall include standards and provisions that meet or exceed the standards set forth in the N.H. Dept. of Education's *Minimum Standards for Privacy and Security of Student and Employee Data*.

2. Policies and Administrative Procedures. The Superintendent, in consultation with the ISO, is directed to review, modify, and recommend (policies) create (administrative procedures), where necessary, relative to collecting, securing, and correctly disposing of District data (including, but not limited to Confidential and Critical Data/Information, and as otherwise

necessary to implement this policy and the Data Governance Plan. Such policies and/or procedures may or may not be included in the annual Data Governance Plan.

C. Information Security Officer.

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

The **Superintendent will designate an** alternate ISO **who** will assume the responsibilities of the ISO when the ISO is not available.

D. Responsibility and Data Stewardship.

All District employees, volunteers and agents are responsible for accurately collecting, maintaining, and securing District data including, but not limited to, confidential and/or critical data/information.

E. Data Managers.

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

F. Confidential and Critical Information.

The District will collect, create or store confidential information only when the Superintendent or designee determines it is necessary, and in accordance with applicable law. The District will provide access to confidential information to appropriately trained District employees and volunteers only when the District determines that such access is necessary for the performance of their duties. The District will disclose confidential information only to authorized District contractors or agents who need access to the information to provide services to the District and who agree not to disclose the information to any other party except as allowed by law and authorized by the District.

District employees, contractors and agents will notify the ISO or designee immediately if there is reason to believe confidential information has been disclosed to an unauthorized person or any information has been compromised, whether intentionally or otherwise.

The Superintendent and/or the ISO shall immediately report any known or suspected cybersecurity incidents within the District's information systems, or within an information system of any vendor of the District, to the New Hampshire Cyber Integration Center of the Department of Information Technology. The Superintendent and/or the ISO shall disclose all known information and interactions. See RSA 31:103-b.

The ISO or designee will investigate immediately and take any action necessary to secure the

information, issue all required legal notices and prevent future incidents. When necessary, the Superintendent, ISO, or designee is authorized to secure resources to assist the District in promptly and appropriately addressing a security breach.

As a part of this investigation, the ISO or designee will promptly determine the likelihood that any information part of a cybersecurity incident has been or will be misused. If the determination is that the misuse of information has occurred or is reasonably likely to occur, or if a determination cannot be made, the ISO will notify the affected individuals as soon as possible, consistent with the notification requirements under RSA 359-C:20.

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

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

G. Using Online Services and Applications.

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

Notwithstanding the prohibition on the use of applications, etc. that store, collect or share personally identifiable information concerning a student ("PII"), students participating in career exploration or career technical education may, **with written parental consent**, register for technology platforms and services to be used as part of the student's approved program of study, even if said platforms and services require the collection, storage and sharing of the student's PII. Use of these platforms and services is subject to the conditions set forth in B.1(f), above, and related provisions of the Data Governance Plan. The written parental consent forms shall be retained as student records.

H. Training.

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

I. Data Retention and Deletion.

The ISO or designee shall establish a retention schedule for the regular archiving and deletion of data stored on District technology resources. The retention schedule should comply with, and be incorporated **[by reference]** into the data/record retention schedule established under Board policy **[**]**EHB and administrative procedure **[**]**EHB-R], including but not limited to, provisions relating to Litigation and Right to Know holds as described in Board policy **[**]**EHB].

J. Consequences

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

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

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

¹ **[delete Fn.]** The policy previously stated that the Superintendent and the ISO were to create a Data Governance Plan to be presented to the Board no later than June 30, 2019. Districts should have created a Data Governance Plan by now, but if not, the Superintendent, in consultation with the ISO, should do so.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

NH Statutes

RSA 189:65

Description

[Definitions](#)

RSA 189:66

[Data Inventory and Policies Publication](#)

RSA 189:67

[Limits on Disclosure of Information](#)

RSA 189:68

[Student Privacy](#)

RSA 189:68-a

[Student Online Personal Information](#)

RSA 31:103-b

[Cybersecurity](#)

RSA 359-C:19-21

[Right to Privacy/Notice of Security Breach](#)

Federal Statutes

Description

15 U.S.C. §§ 6501-6506

[Children's Online Privacy Protection Act \(COPPA\)](#)

20 U.S.C. § 1232h

[Protection of Pupil Rights Amendment \(PPRA\)](#)

20 U.S.C. § 1400-1417

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

20 U.S.C. § 7926

[Elementary and Secondary Education Act \(ESSA\)](#)

20 U.S.C. §1232g

[Family Educational Rights and Privacy Act \(FERPA\)](#)

Cross References

Code

Description

DFGA

[Crowdfunding](#)

EHAA

[Computer Security, E-Mail and Internet Communications](#)

EHAC

[Electronic/Digital Records and Signatures](#)

EHB

[Data/Records Retention](#)

EHB-R(1)

[Data/Records Retention - Local Records Retention Schedule](#)

GBEBD

[Employee Use of Social Networking Websites](#)

IHBH

[Extended Learning Opportunities](#)

IHBH-R(1)

[Extended Learning Opportunities - Application](#)

IHBH-R(2)

[Extended Learning Opportunities - Memorandum of Understanding for Extended Learning Opportunities](#)

JICJ

[Unauthorized Communication Devices](#)

JICL

[School District Internet Access for Students](#)

JICM

[Bring Your Own Device/Technology](#)

KD

[School District Social Media Websites](#)

KD-R(1)

[School District Social Media Websites - Regulations](#)

KDC

[Website Publishing](#)

KDC-R(1)

[Website Publishing - Student
Publications/Productions/Website Publications](#)



| | |
|--------------|--|
| Book | J: Students |
| Section | Series J |
| Title | Change of Class or School Assignment Best Interest and Manifest Hardship |
| Code | JCA |
| Status | Active |
| Adopted | August 4, 2012 |
| Last Revised | December 7, 2021 |

CHANGE OF CLASS OR SCHOOL ASSIGNMENT BEST INTEREST AND MANIFEST HARDSHIP

The Superintendent is charged with assigning students of the District to schools and classes consistent with board policies and procedures. New Hampshire RSA 193:3 recognizes that there are limited instances when the class or school to which a student might be assigned under a district's ordinary assignment policies and procedures, might not be in that student's best interests, or other factors might exist under which create manifest educational hardship upon the student such that a change (referred to in this policy as "reassignment") in the student's class or school assignment is warranted. The Board has adopted this policy consistent with RSA193:3 and to provide procedures for parents/guardians to follow when they believe a reassignment is appropriate.

A. Best Interest Re-Assignment - Determination by Superintendent.

Consistent with RSA 193:3, I, and subject to the provisions below, the Superintendent is authorized to reassign a student residing in the District to another class within the school, [if applicable] to another public school within the District], to another public school or public academy in another district, or approved private school.

Authorization granted to the Superintendent to make reassignments under this policy applies only after the application is made by the parent/guardian of the student or with the parent/guardian's consent, and upon a finding by the Superintendent that reassignment is in the student's best interests, after taking into consideration the student's academic, physical, personal, or social needs.

This policy, however, does not limit the Superintendent's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

1. Procedure:

- a. In order to initiate consideration of a reassignment based upon the child's best interests, the parent/guardian shall submit to the Superintendent a written request stating why and/or how the child's best interests warrant reassignment. In order to facilitate a determination, such application may also include any additional information described in 4 below. The written request should be mailed or delivered to the SAU office or emailed to the Superintendent at the email address provided on the district's website.
- b. Upon such request, the Superintendent shall schedule a meeting (the "reassignment meeting") with the parent/guardian, to be held within 10 days of receiving the request.

- c. Prior to or at the reassignment meeting, the parent/guardian shall make a specific request that the student be re-assigned to another class/grade within the same school, [[{if applicable}to another public school, public academy, or approved private school within the district]or to a public school, public academy, or approved private school in another district.
- d. At the reassignment meeting, the parent/guardian may present documents, witnesses, or other relevant evidence supporting the parent's belief that reassignment is in the best interest of the student.
- e. The Superintendent may present such information as he or she deems appropriate.
- f. In determining whether reassignment is in the student's best interest the Superintendent shall consider the student's academic, physical, personal, or social needs.

2. Finding Reassignment Is or Is Not in Best Interest.

- a. Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination as to whether or not reassignment is in the child's best interest. Delivery of the written determination should be done in a manner to produce evidence of the delivery(e.g., courier, email, fax).
- b. If the Superintendent finds it is in the best of the interest of the student to change the student's school assignment, the Superintendent shall initiate:
 - i. A change of assignment within the student's current assigned school;
 - ii. The student's transfer to another public school, public academy, or approved private school within the district of residence; or
 - iii. The student's transfer to a public school, public academy, or approved private school in another district.
- c. If the Superintendent does not find that it is in the best interest of the student to change the students school or assignment, the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship as provided in Section B of this policy.

3. Tuition Determination. If a student is to be reassigned to another school district or approved school as a result of a best interest determination, the Superintendent shall work with the Superintendent or administrator of the receiving school district/approved school to establish a tuition rate for such student. Pursuant to RSA 193:3, I(g), if the Superintendent has made a finding that it is in the best interest of the student to be reassigned, then the School Board shall approve the tuition payment consistent with the Board's ordinary manifest approval procedures.

If the student is reassigned to an approved private school as a result of a best interest determination, that school may charge tuition to the parent/guardian or may enter into an agreement for payment of tuition with the school district in which the student resides. The Superintendent shall consult with counsel regarding tuition obligations in such an instance.

The Superintendent shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled Board meeting.

4. Transportation: Transportation for a student reassigned to a school in another district under this Section A(best interest) shall be the responsibility of the parent/guardian.

5. Tuition for Students Reassigned by Other Districts Pursuant to RSA 193:3, I. It is the general policy of the Board that the tuition amount to be charged to another district for any student reassigned by that district to a school within this District under the best interest standard of 193:3, I, shall be the lesser of the tuition charged for non-residential students under Board policy Feb or as computed under the formula set out in RSA 193:4. The Superintendent, however, is authorized to reduce the tuition amount below those thresholds or for other good cause shown (e.g., reciprocal assignments between the two districts).

6. Other In-District Assignments. Nothing in this policy is intended to limit authority otherwise extended to the Superintendent to make assignments or reassignments according to the policies, regulations, and ordinary practices of the District.

B. Manifest Educational Hardship - Determination by School Board and Appeal to State Board.

If, after following the procedure outlined in Section A of this policy, the Superintendent did not find that it was in the best interest of the student to reassign the student as requested by the student's parent/guardian, then the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship.

1. "Manifest Educational Hardship" Defined. As provided in RSA 193:3, II (a), "manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.

2. Procedure for Determination of Manifest Educational Hardship.

- a. Within thirty (30) days after receipt of the Superintendent's written determination described that reassignment is not in a student's best interest as described in paragraph A.2.C, above, the parent/guardian requesting a manifest educational hardship hearing shall submit a written application to the Superintendent detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
- b. The Superintendent shall duly notify the school board that the parent/guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days after the request has been received by the Superintendent. The Board shall provide at least two full days' notice of the hearing. The Board will conduct the hearing in a non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).
- c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent a specific request in writing that the student attend another public school, public academy, or approved private school in the District, or] attend a public school, public academy, or approved private school in another school district. The Superintendent shall provide such request to the School Board at the hearing. Although not required, the parent/guardian may include this request as part of the original hearing request.
- d. At such hearing, the parent/guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. the superintendent may present such information as he or she may deem appropriate to assist the SchoolBoard in reaching its decision. The parties (or their appointed designee) shall have the right to examine all evidence and witnesses. The formal rules of evidence shall not apply. The Superintendent will assure the means for the Board to establish an adequate record of the hearing.
- e. The parent/guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence, which means that the evidence is highly and substantially more likely to be true than untrue, and the Board must be convinced that the contention is highly probable.
- f. The Board will render its decision in writing within seven (7) days after the hearing and will forward its written decision to the parent/guardian via means producing proof of delivery (e.g., courier, email, etc.). The decision will conform to the requirements of NH Dept. of Education Rule Ed 320(c)-(e).

3. Finding of Manifest Educational Hardship. If the School Board finds that the student has a manifest educational hardship, the School Board shall grant the parent's or guardian's request to reassign the student [{if applicable} another public school, public academy, or approved private school in the District, or] to a public school, public academy, or approved private school in another district.

4. Finding that Manifest Educational Hardship Was Not Established - Appeal to the New Hampshire State board of Education. If the School Board finds that the parent/guardian has not met their burden of proof, the parent/guardian may appeal the local Board decision to the New Hampshire State Board of Education("SBOE"), within thirty (30) days of receipt of the

Board's written decision in accordance with NH Dept. of. Rule Ed 204.01(g). If a parent/guardian believes that denial of a re-assignment under this policy upon the child's disability, the parent/guardian may appeal to the SBOE or file a complaint with the N.H. HumanRights Commission under RSA 354-A:28.

5. Tuition for Students Reassigned Upon Finding of Manifest Educational Hardship. If, after a finding of a manifest educational hardship - by either the School Board or the State Board - a student of the District is assigned to attend school in another district, or a student from another district is assigned to a school in this district, the district in which the student resides shall pay tuition to the district to which the child is reassigned. Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment consistent with its ordinary manifest approval process.

6. Transportation: Transportation for a student reassigned to schools in another district under this section B(manifest educational hardship) shall be the responsibility of the District unless otherwise ordered by the SBOE.

C. Admission Requirements. Students reassigned under this Policy shall meet the admission requirements of the school to which the student is to be reassigned.

D. Statutory Reassignment Limit. The total reassignments or transfer made under this policy in any one school year will not exceed one (1) percent of the average daily membership in residence of a school district, or five (5) percent of the average daily membership in residence of any single school, whichever is greater, unless the School Board votes to exceed this limit.

E. Count of Reassigned Pupils, Tuition Payment and Rate, and Transportation. Pupils reassigned under this policy will be counted in the average daily membership in residence of a given pupil's resident school district. Said pupil's resident district will forward any tuition payment due to the District to which the pupil was assigned.

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

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

Revision Dates: 12/7/2021, 3/2/2021, 8/13/2020

Legal References:

Ed RSA 193:3, III, Change of School Assignment

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

N.H. Dept. of Education Administrative Rule Ed. 320 [Pending revision]

Policy JCA: Change of Class of School or Assignment Best Interests and Manifest Hardship

Status: ADOPTED

Original Adopted Date: 07/01/1998 | Last Revised Date: 09/18/2023 | Last Reviewed Date: 09/18/2023

Category: Priority/Required by Law

ADOPTION/REVISION NOTES -

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

- a. **Adoption note** - Important note regarding 2020 amendments to JCA: The 2020 revision to JCA also merged the subject matter of previous sample JEC (manifest educational hardship) with JCA to reflect the new statutory relationship between those two reassignment provisions. NHSBA withdrew sample JEC with the 2020 revision to JCA. Most of this policy specifically tracks language in the amended version of RSA 193:3. If a district wishes to modify miscellaneous provisions, it should review the statute carefully, and or consult with private counsel and/or NHSBA Policy Services.
- b. **General** - As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.
- c. **General** - **Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/external policy references, duty assignments etc.
- d. **General** - **{**}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- e. **General** - Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

NHSBA history: Revised – Sept. 2021, Nov. 2020, Sept. 2018, Sept. 2016 (JCA only), Sept. 2015 (JCA only); Sept. 2011, Sept. 2008, July 1998.

NHSBA revision notes, Sept. 2023, revisions include clarification of the board's authority to approve Superintendent's assignment of students to approved private schools (see 2023 passage of SB77), as well as other revisions: (1) clarifying standards for consideration of requests for assignment to private schools, and annual review of both best interest and manifest hardship assignments, (2) adding language to section and footnote regarding transportation obligations in manifest hardship cases, and (3) minor format/grammar changes; **Sept. 2021**, revisions reflect 2021 amendments to RSA 193:3, I-II, & VI (HB388) which (i) expanded allowable best interest and manifest hardship re-assignments to include “approved” private schools (irrespective of whether sectarian), and (ii) added language to 193:3, IV clarifying that if denial of a manifest hardship assignment is based upon a child’s disability, a complaint may be filed with the N.H. Human Rights Commission. **November 2020**, the old version of policy JCA concerned only reassignments based on the best interest standard, while manifest educational hardship reassignments were addressed in sample JEC. Each of the former policies reflected different processes described in RSA 193:3, I-III. 2020 legislative changes to 193:3, I-III-a (see 2020 Laws 38:22, chaptered version of 2020 HB1558, including amended HB1328) made best interest and manifest hardship processes

sequential, rather than separate. Accordingly, NHSBA has merged the two processes into one policy. It is possible/likely that at some point in the next couple of years, the NH DOE will amend Rule Ed 320 to reflect the 2020 legislative changes, and such rule revisions may require additional policy revisions.

~~~~~

The Superintendent is charged with assigning students of the District to schools and classes consistent with Board policies and procedures. New Hampshire RSA 193:3 recognizes that there are limited instances when the class or school to which a student might be assigned under a district's ordinary assignment policies and procedures, might not be in that student's best interests, or other factors might exist under which create a manifest educational hardship upon the student such that a change (referred to in this policy as "reassignment") in the student's class or school assignment is warranted. The Board has adopted this policy consistent with RSA 193:3 and to provide procedures for parents/guardians to follow when they believe a reassignment is appropriate.

**A. Best Interest Re-Assignment – Determination by Superintendent.**

Consistent with RSA 193:3, I, and subject to the provisions below, the Superintendent is authorized to reassign a student residing in the District to a another class within the school, **to another public school within the District**, to another public school, public academy, or approved private school in another district.

Authorization granted to the Superintendent to make reassignments under this policy applies only after application is made by the parent/guardian of the student or with the parent/guardian's consent, and upon a finding by the Superintendent that reassignment is in the student's best interests, after taking into consideration the student's academic, physical, personal, or social needs. This policy, however, does not limit the Superintendent's discretion to make other in-District assignments consistent with applicable Board policies and administrative rules.

1. Procedure:

- a. In order to initiate consideration of a reassignment based upon the child's best interests, the parent/guardian shall submit to the Superintendent a written request stating why and/or how the child's best interests warrant reassignment. In order to facilitate a determination, such application may also include any additional information described in 4 below. The written request should be mailed or delivered to the SAU office or emailed to the Superintendent at the email address provided on the District's website.
- b. Upon such request, the Superintendent shall schedule a meeting (the "reassignment meeting") with the parent/guardian, to be held within 10 days of receiving the request.
- c. Prior to or at the reassignment meeting, the parent/guardian shall make a specific request that the student be re-assigned to another class/grade within the same school, **to another public school or approved private school within the district** or to a public school, public academy, or approved private school in another district.
- d. At the reassignment meeting, the parent/guardian may present documents, witnesses, or other relevant evidence supporting the parent/guardian's belief that

reassignment is in the best interest of the student.

- e. The Superintendent may present such information as he or she deems appropriate.
  - f. In determining whether reassignment is in the student's best interest the Superintendent shall consider the student's academic, physical, personal, or social needs.
2. Finding Reassignment Is or Is Not in Best Interest.

- a. Within five school days of the reassignment meeting, the Superintendent shall deliver to the parent/guardian a written determination as to whether or not reassignment is in the child's best interest. Delivery of the written determination should be done in a manner to produce evidence of the delivery (e.g., courier, email, fax).
- b. If the Superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the Superintendent shall initiate:
  - i. A change of assignment within the student's current assigned school;
  - ii. The student's transfer to another public school or public academy within the district of residence; or
  - iii. The student's transfer to a public school, public academy, or approved private school in another district.
- c. If the Superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship as provided in Section B of this policy.

3. Tuition Determination.

- a. *Assignment to Another School District or Public Academy.* If a student is to be reassigned to a public school in another school district or approved public academy as a result of a best interest determination, the Superintendent shall work with the Superintendent or administrator of the receiving school district/approved school to establish a tuition rate for such student. Pursuant to RSA 193:3, I(g), if the Superintendent has made a finding that it is in the best interest of the student to be reassigned, then the School Board shall approve the tuition payment consistent with the Board's ordinary manifest approval procedures.
- b. *Assignment to an Approved Private School.* If the student is reassigned to an approved private school as a result of a best interest determination, that school may charge tuition to the parent/guardian or may enter into an agreement for payment of tuition with the school district in which the student resides. [1 Delete Endote]. The Superintendent shall consult with counsel regarding tuition obligations in such an instance. Any such Agreement shall be subject to approval by the school board on behalf of the School District and shall be at the sole Discretion of the School Board with due consideration given to the fiscal impact of such approval of the District, and shall not be granted if, in the opinion of the School Board, there are other viable public school options for reassignment.



The Superintendent shall assure that the reassignment approval is placed on the agenda for the next regularly scheduled Board meeting.

4. Transportation: Transportation for a student reassigned to a school in another district under this Section A (best interest) shall be the responsibility of the parent/guardian.
5. Tuition for Students Reassigned by Other Districts Pursuant to RSA 193:3, I. It is the general policy of the Board that the tuition amount to be charged to another district for any student reassigned by that district to a school within this District under the best interest standard of 193:3, I, shall be the lesser of the tuition charged for non-residential students under Board policy **{\*\*}**JFAB or as computed under the formula set out in RSA 193: The Superintendent, however, is authorized to reduce the tuition amount below those thresholds or for other good cause shown (e.g., reciprocal assignments between the two districts).<sup>[2 Delete endnote]</sup>
6. Other In-District Assignments. Nothing in this policy is intended to limit authority otherwise extended to the Superintendent to make assignments or reassignments according to the policies, regulations, and ordinary practices of the District.
7. Review/Appeal of Decision. The decision of the Superintendent shall be final and any appeal shall be limited to the process set forth in Section B, below.
8. Annual Review of Decision. A reassignment on the basis of best interest of the student shall be limited to no longer than the end of the ensuing school year, and shall be subject to review by the Superintendent prior to any subsequent school year to determine that the reassignment remains in the best interest of the student, with the understanding that the Superintendent may, at his/her discretion waive the review when he/she deems such to be appropriate.

#### **B. Manifest Educational Hardship – Determination by School Board and Appeal to State Board.**

If, after following the procedure outlined in Section A of this policy, the Superintendent did not find that it was in the best interest of the student to reassign the student as requested by the student's parent/guardian, then the parent/guardian may request a hearing before the School Board to determine if the student is experiencing a manifest educational hardship.

1. "Manifest Educational Hardship" Defined. As provided in RSA 193:3, II (a), "manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.
2. Procedure for Determination of Manifest Educational Hardship.
  - a. Within thirty (30) days after receipt of the Superintendent's written determination describing that reassignment is not in the student's best interest as described in paragraph A.2.a & c, the parent/guardian requesting a manifest educational hardship hearing shall submit a written application to the Superintendent detailing the specific reasons why they believe that the current assignment constitutes a manifest educational hardship.
  - b. The Superintendent shall duly notify the school board that the parent/guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days <sup>[3 Delete endnote]</sup> after the request has been received by the Superintendent. The Board shall provide at least

two full days' notice of the hearing. The Board will conduct the hearing in non-public session, unless the parent/guardian requests the hearing be held in public session, subject to RSA 91-A:3, II(c).

- c. Prior to or at such hearing, the parent/guardian shall provide to the Superintendent a specific request in writing that the student attend another public school or approved private school in the District, or attend a public school, public academy, or approved private school in another school district. The Superintendent shall provide such request to the School Board at the hearing. Although not required, the parent/guardian may include this request as part of the original hearing request.
  - d. At such hearing, the parent/guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The Superintendent may present such information as he or she may deem appropriate to assist the School Board in reaching its decision. The parties (or their appointed designee) shall have the right to examine all evidence and witnesses. The formal rules of evidence shall not apply. The Superintendent will assure the means for the Board to establish an adequate record of the hearing.
  - e. The parent/guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence, which means that the evidence is highly and substantially more likely to be true than untrue, and the Board must be convinced that the contention is highly probable.<sup>4</sup>
  - f. The Board will render its decision in writing within seven days after the hearing and will forward its written decision to the parent/guardian via means producing proof of delivery (e.g., courier, email, etc.). The decision will conform to the requirements of NH Dept. of Education Rule Ed 320(c)-(e).
3. Finding of Manifest Educational Hardship. If the School Board finds that the student has a manifest educational hardship, the School Board shall grant the parent's or guardian's request to reassign the student another public school or approved private school in the District, or to a public school, public academy, or approved private school in another district.
  4. Finding that Manifest Educational Hardship Was Not Established – Appeal to the New Hampshire State Board of Education. If the School Board finds that the parent/guardian has not met their burden of proof, the parent/guardian may appeal the local Board decision to the New Hampshire State Board of Education (“SBOE”), within thirty (30) days of receipt of the Board’s written decision in accordance with NH Dept. of Ed. Rule Ed 2001(g). If a parent/guardian believes that denial of a re-assignment under this policy is based upon the child’s disability, the parent/guardian may appeal to the SBOE or file a complaint with the N.H. Human Rights Commission under RSA 354-A:28.
  5. Tuition for Students Reassigned Upon Finding of Manifest Educational Hardship. If, after a finding of a manifest educational hardship - by either the School Board or the State Board - a student of the District is assigned to attend a public school or a public academy in another district, or a student from another district is assigned to a school in this District, the district in which the student resides shall pay tuition to the district to which the child is reassigned.

Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment consistent with its ordinary manifest approval process.

6. Transportation: Transportation for a student reassigned to a school in another district under this Section B (manifest educational hardship) shall not <sup>{see and delete endnote 5}</sup> be the

responsibility of the District unless otherwise ordered by the SBOE.

7. Annual Review of Manifest Hardship Determination. A reassignment on the basis of manifest educational hardship shall be limited to no longer than the end of the ensuing school year and shall be subject to review by the School Board prior to any subsequent school year to determine that the manifest educational hardship still exists, with the understanding that the Board may, at its discretion, waive the review when it deems such to be appropriate. <sup>[6 Delete endnote]</sup>

**C. Admission Requirements.** Students reassigned under this Policy shall meet the admission requirements of the school to which the student is to be reassigned. **Statutory**

**D. Reassignment Limit.** The total reassignments or transfer made under this policy in any one school year will not exceed one (1) percent of the average daily membership in residence of a school district, or five (5) percent of the average daily membership in residence of any single school, whichever is greater, unless the School Board votes to exceed this limit.

**E. Count of Reassigned Pupils, Tuition Payment and Rate, and Transportation.** Pupils reassigned under this policy will be counted in the average daily membership in residence ("ADMR") of a given pupil's resident school district. Said pupil's resident district will forward any tuition payment due to the District to which the pupil was assigned.

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

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

---

<sup>1</sup> <sup>[Delete endnote]</sup> The first sentence of this paragraph is taken directly from the 2021 amendment to RSA 193:13, I(h). It is unclear from the statutory language how this relates to the District's tuition negotiation/payment language relative to schools in other public districts.

<sup>2</sup> <sup>[Delete endnote]</sup> RSA 193:3, I(g) includes the language: "Some or all of the tuition may be waived by the Superintendent for good cause shown or pursuant to school board policy of the receiving district." The language suggests that the two standards (good cause shown or policy) are not exclusive.

<sup>3</sup> <sup>[Delete endnote]</sup> The 2020 amendments to RSA 193:3, II require that the hearing be held within 15 days of the request by the parent. This supersedes the 30 day requirement of NH DOE Ed. 320.01 (e).

<sup>4</sup> The clear and convincing standard differs from the "preponderance of the evidence" standard, which only requires that evidence indicates that the contention is more likely than not.

<sup>5</sup> <sup>[Delete endnote]</sup> There is some ambiguity as to whether the law requires districts to provide transportation for K-8 students who are assigned to schools outside of the district after a manifest hardship determination. RSA 189:6 requires the district to provide transportation for K-8 students living more than two miles from the school to which a student is assigned. While 193:3, I (g) has a specific exception built in for best interest assignments (see A.4, above), no such exception exists for manifest hardship assignments. Accordingly, before including the word "not" here, the School Board should consult with

its private counsel.

<sup>6</sup> [Delete endnote] Similar as to what is allowed of the Superintendent relative to a best interests determination, the School Board, may – but is not required to - review a student’s manifest educational hardship reassignment to determine whether the original conditions which have caused the need for the manifest educational hardship reassignment no longer exist.

---

**District Policy History:**

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

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

**District revision history:**

---

---

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

**NH Statutes**  
RSA 193:14-a

**Description**

[Change of School Assignment; Duties of State Board of Education](#)

RSA 193:3, III

[Change of School Assignment](#)

**NH Dept of Ed Regulation**

**Description**

N.H. Dept. of Education Admin. Rule Ed. 320

[N.H. Dept. of Education Administrative Rule Ed. 320](#)  
[\[Pending revision\]](#)

**Cross References**

**Code**  
JEBA

**Description**

[Early Entrance into Kindergarten](#)

JFAA

[Admission of Resident Students](#)

JFAB

[Admission of Tuition and Non-Resident Students](#)

JG

[Assignment of Students to Classes and Grade Levels](#)



|              |                                 |
|--------------|---------------------------------|
| Book         | J: Students                     |
| Section      | Series J                        |
| Title        | Use of Restraints and Seclusion |
| Code         | JKAA                            |
| Status       | Active                          |
| Adopted      | November 16, 2010               |
| Last Revised | July 9, 2019                    |

## USE OF RESTRAINTS AND SECLUSION

### Definitions:

1. (a) "**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.

(b) "Restraint" shall not include:

(1) 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.

(2) 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.

(3) 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.

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

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

3. "**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.

4. "**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.

5. "**Seclusion**" means the involuntary placement of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier. The term shall not 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. Seclusion does not include circumstances in which there is no physical barrier between the child and any other person or the child is physically able to leave the place. 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.

**Procedures for Managing The Behavior of Students:**

The Superintendent is authorized to establish procedures for managing the behavior. Such procedures shall be consistent with this policy and all applicable laws. The Superintendent is further authorized to establish any other procedures necessary to implement this policy and/or any other legal requirements.

**Circumstances in Which Restraint May Be Used:**

Restraint will 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.

Restraint will only be used by trained school staff.

Restraint will not be as punishment for the behavior of a student.

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.

No period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the director to provide such approval. 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 a trained and authorized employee.

**Circumstances in Which Seclusion May Be Used:**

The School Board recognizes the statutorily imposed conditions of seclusions and hereby adopts those conditions, as defined by RSA 126-U:5-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.

Seclusion will be used only by trained school staff.

Seclusion will not be used as a form of punishment for the behavior of a student.

**Prohibition of Dangerous Restraint Techniques:**

The School Board recognizes and hereby prohibits the use of "dangerous restraint techniques" as defined in RSA 126-U:4.

**Reporting Requirements and Parental Notification:**

In the event restraint or seclusion is used on a student, the building principal will, within 24 hours, verbally notify the student's parents/guardian of the occurrence.

The building principal will, within 5 business days after the occurrence, submit a written notification/report to the Superintendent. The notification shall contain all the requirements and information as mandated by RSA 126-U:7, II. The Superintendent may develop a reporting form or other documents necessary to satisfy these reporting requirements.

Unless prohibited by court order, the Superintendent will, within 2 business days of receipt of the notification required in the above paragraph, send by first-class mail to the child's parent or guardian the information contained in the notification/report. Each notification/report prepared under this section shall be retained by the school for review in accordance with state board of education rules and the department of health and human services rules.

If a school employee has intentional physical contact with a student in response to a student's aggressive misconduct or disruptive behavior, the building principal will make reasonable efforts to inform the student's parent or guardian as soon as possible, but no later than the end of the school-day. The building principal will also prepare a written report of the incident within five (5) business days of the incident. The report will include information required under RSA 126-U:7, V.

**Transportation: (RSA 126-U:12)**

The school district will not use mechanical restraints during the transportation of children unless 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:

1. Prevents physical and psychological trauma;
2. Respects the privacy of the child; and
3. 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.

**Legal References:**

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

Revision Dates: 7/9/2019, 12/4/2014



Policy JKAA: Use of Restraints and Seclusion

Status: ADOPTED

Original Adopted Date: 09/01/2010 | Last Revised Date: 09/18/2023 | Last Reviewed Date: 09/18/2023

Category: Priority/Required by Law

~~~~~

ADOPTION/REVISION NOTES -

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

- a. **Adoption note:** Most of this sample reflects specific requirements of RSA 126-U or Ed Chapter 1200. The sample includes many procedures which, while not specifically described in the statute or regulations, are implicitly necessary. NHSBA has endeavored to indicate those areas where the rules are not specific, or otherwise where districts may have options. Before modifying parts of the policy especially those which are not indicated with footnotes etc., a board/policy committee should consult with the district’s private counsel or contact NHSBA’s Director of Policy Services.
- b. **General -** As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district’s own specific circumstances, internal coding system, current policies, and organizational structures.
- c. **General -** **Highlighted language** or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.
- d. **General -** **{**}** indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.
- e. **General -** Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

NHSBA history: Revised: Sept. 2014, May 2012; **New policy:** Sept. 2010

NHSBA Revision Notes: September 2023, Substantial revisions and reformatting throughout. The impetus for revision was the 2023 passage of SB179 and HB491, both amending provisions of RSA 126-U. SB179 refined the definition of seclusion, and added a requirement for use of “co-regulators”. SB179 further requires the Dept. of Education and Dept. of Health and Human Services to develop a form for reporting the information required in RSA 126-U:7, II. *As of preliminary release of this revision (9/8/2023), the form had not been released.* HB491 added a specific definition and prohibition of the use of “prone restraint” (previously would have been prohibited as a form of dangerous restraint technique). Sections also added to sample policy relative to mandated reporting for violations of RSA 126-U, and review of IEPs, 504 plans, behavior intervention plans, or other such individualized plans following use of restraint or seclusion. **September 2014:** Numerous changes to this policy were necessitated by legislative changes to RSA 126-U.

~~~~~

- 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.

- 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. [<sup>11</sup> Delete endnote] 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-U:6, 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.

[iii] Delete endnote]

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: [iii] Delete endnote] 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. [iv] Delete endnote] 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. [iv] Delete endnote]

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. **[viii] Delete endnote]**
- 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.** **[viii] Delete Endnote]** 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.

---

**District Policy History:**

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

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

**District revision history:**

---

**ENDNOTES**

<sup>[i]</sup> [Delete endnote] Although RSA 126-U does not specifically require such training, failing to provide greatly increases the likelihood that untrained staff will react to a situation with the unauthorized and prohibited use of restraint or seclusion.

<sup>[ii]</sup> [Delete endnote] As of August 10, the form to be developed by DOE and DHHS was not available. Pending the release of that form, districts should use the same submission formats used in the past, which, in turn, were required under RSA 126-U:7, II, to include the same information now required to be included in the DOE/DHHS Official Report Form.

<sup>[iii]</sup> [Delete endnote] Although neither the statute nor the rules discuss a procedure for finalizing a report relative to an instance of restraint or seclusion, both reference the fact of one. See 126-U:7, II (m), Ed 1202.02 (b)(13) and Ed 1202.03 (c)(13).

<sup>[iv]</sup> [Delete endnote] The New Hampshire Disability Rights Center is New Hampshire's federally-designated protection and advocacy agency for individuals with disabilities

<sup>[v]</sup> [Delete endnote] This sentence is verbatim from RSA 126-U:12, III except for the inclusion of “and retained”. Although somewhat ambiguous, NHSBA recommends that the documentation of reasons for use of the mechanical restraint should be included with/supplemental to the report and records required under 126-U:7.

<sup>[vi]</sup> [Delete endnote] The statute (126-U:7, V) does not include designated volunteers, but the exact same principles apply, as would the subsequent investigation by DOE in the event a parent takes exception to the contact.

<sup>[vii]</sup> [Delete endnote] Multiple provisions of RSA 126-U include statements to the effect of retaining records in accordance with Dept of Ed rules. However, those rules do not include a finite date. Rather, they indicate that they must be retained and available for both the mandatory three year DOE review, or otherwise when DOE investigates complaints of violations of 126-U or Ed 1200 rules.

<sup>[viii]</sup> [Delete endnote] Neither 126-U nor DOE rules Chapter 1200 include specific provisions relating to a district level complaint process. However, Ed 1202.02 provides that “[s]chools shall document complaints that they determine do not meet the criteria for a violation of 126-U”, and then further requires the District to maintain those records for possible DOE/DHHS review. Additionally, the statute and rules both provide for a complaint process at the DOE level, with the DOE rules allowing “any individual” to file such a complaint – **even anonymously – with no written complaint required**. NHSBA, therefore, believes as a matter of board policy, having a specific process outline for reviewing and documenting such complaints at the district level is warranted.

---

DISCLAIMER: This sample policy manual is copyrighted to the New Hampshire School Boards Association and is intended for the sole and exclusive use of NHSBA Policy Service Subscribers. No portion of this manual may be reproduced, copied, transmitted, distributed, in any form, except as needed for the development of policy by a subscribing district. The materials contained in the manual are provided for general information only and as a resource to assist subscribing districts with policy development. School districts and boards of education should consult with legal counsel and revise all sample policies and regulations to address local facts and circumstances prior to adoption. NHSBA continually makes revisions based on school districts' needs and local, state and federal laws, regulations and court decisions, and other relevant education activity.

#### **NH Statutes**

RSA 126-U

#### **Description**

[Limiting the Use of Child Restraint Practices](#)

RSA 169-C:29-39

[Reporting Law](#)

RSA 186-C

[Special Education](#)

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

N.H. Code of Admin. Rules Chapter 1200 [Restraint and Seclusion for Children](#)

#### **Description**

#### **Federal Statutes**

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

#### **Description**

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

#### **Cross References**

#### **Code**

EBB

#### **Description**

[School Safety](#)

EHB

[Data/Records Retention](#)

|          |                                                                                  |
|----------|----------------------------------------------------------------------------------|
| EHB-R(1) | <a href="#"><u>Data/Records Retention - Local Records Retention Schedule</u></a> |
| GBEAB    | <a href="#"><u>Mandatory Code of Conduct Reporting - All Employees</u></a>       |
| JLF      | <a href="#"><u>Reporting Child Abuse or Neglect</u></a>                          |
| JRA      | <a href="#"><u>Student Records and Access (FERPA)</u></a>                        |
| JRA-R(1) | <a href="#"><u>Student Records and Access (FERPA)</u></a>                        |

**Monadnock Regional School District (MRSD)**  
**School Board Meeting Minutes**  
**October 3, 2023 (Not Yet Approved)**  
**MRMHS Library, Swanzey, NH**

**Members Present:** Kristen Noonan, Jeff Cesaitis, Brian Bohannon, Betty Tatro, Cheryl McDaniel-Thomas, Lisa Steadman, Stephanie Lawlor, Jennifer Strimbeck, Eric Stanley, Edmond LaPlante, Scott Peters, Gina Carraro and Dan LeClair

**Administration Present:** L. Walker, Superintendent, J. Rathbun, Assistant Superintendent and J. Morin, Business Administrator.

**1. Tour of the Gilsun School 6:30 PM.**

**2. CALL THE MEETING TO ORDER at 7:00 PM.** S. Peters called the meeting to order at 7:00 PM.

**3. PUBLIC COMMENTS:** B. Tatro commented that she had heard feedback about Homecoming. E. Stanley said he heard grumbling as well. The Extra-Curricular Committee set up a meeting with the administration. There is a lack of volunteers and chaperones for the events. The committee would like to discuss the staff as chaperones at these events. The administration will look at this and bring a recommendation back to the committee. Taylene Givetz, teaching principal at Gilsun STEAM Academy welcomed the Board and administration to Gilsun. The students are celebrating growing together. They are growing gardens, healthy hearts and healthy minds. She thanked everyone for coming.

**4. #CelebrateMRSD:**

**a.** L. Walker explained that the Parent/Teacher Conferences are coming up. Tomorrow is National Walk to School Day.

**b.** S.Peters mentioned people had moved into the District and had a positive perspective of the District after speaking to a Budget Committee Member about the Building Plan.

**c. Update on the Elementary Renovation Project:** K. Barker updated the Board on the progress with the Elementary Renovation Project. He explained that he would like to be as transparent as possible. There are 4 projects that will be done but not all at the same time. He handed out the working drawings for the MTC Project. There is a site plan and a floor plan. He explained the plans will not be posted online in full detail due to security. They will begin soon to move the softball field from the MTC side to the high school side. K. Barker, J. Morin and J. Rathbun have been meeting with the principals and the administration regarding the needs and plans of the individual schools. There are meetings every Wednesday. K. Barker will have a new set of plans for MTC in order to have an opinion of cost from Hutter Construction on Friday. The goal is to go out to bid on MTC in January and begin in the Spring. He is not sure of the rest of the schedule. Possibly Troy, Emerson and then Gilsun. The Board had concerns regarding the

courtyard at MTC and the baseball and softball fields being so close. K. Barker said this is the only solution and it will be a great softball field with parking. S. Peters would like to notify the public 2 weeks before construction is to begin and any other changes to keep the public up to date. B. Bohannon commented that this needs to be clearly communicated to the public. K. Barker wants to be as transparent as possible.

## 5. MATTERS FOR SCHOOL BOARD INFORMATION & DISCUSSION:

### a. Policies for 1st Read:

#### i. EHAB-Data Governance and Security:

#### ii. JCA-Change of Class of School or Assignment Best Interest and Manifest

#### Hardship:

#### iii. JKAA-Use of Restraints and Seclusion: K. Noonan explained that the Policy

Committee is presenting 3 policies for a first read. The committee has sent 2 other policies to the administration for review. The policies being presented were in the Fall Bulletin and required by law.

**b. Recap of Modern Governance Seminar:** K. Noonan, S. Peters, L. Sutton and J. Rathbun attended the Modern Governance Conference. The members commented on what they took away from the conference. J. Rathbun explained that he has been going over the Board Minutes for the past 60 years. The new program is able to do a much better job with the archives. It was a big takeaway to move forward and to look into the past. S. Peters commented that they will follow up with the company.

**c. Staffing Update:** L. Walker reported that the District has possibly hired a para since the last report.

### d. 2023/24 School Board Goals:

**i. Superintendent Search Update:** C. McDaniel-Thomas commented that at the last meeting the Board asked C. McDaniel-Thomas to make changes on behalf of the Board regarding the representative from the Bryan Group and the timeline for the Superintendent posting. N. Behrens is the representative working with the committee from the Bryan Group. L. Steadman did fabulous work on the job posting for the superintendent. The Bryan Group has been in contact with C. McDaniel-Thomas and has made 7 suggestions to the job posting. The committee suggested not having the candidate prepare 3 philosophy statements with the application. The Bryan Group would suggest that the committee have this in the application. S.Peters suggested not having this up front. L. Steadman would agree. This may discourage the candidate. B. Bohannon commented that it should not be more than 2 pages. J. Rathbun said 6 pages could take hours. L. Walker said it is more genuine if they bring writing samples with them. B. Bohannon would support bringing a sample. K. Noonan said it is frustrating that the 3 members on the committee can not discuss anything outside of the meeting. **MOTION:** K. Noonan **MOVED** to empower the Bryan Group to add wording to the job posting that indicates a writing sample will be required during the candidate process. **SECOND:** B. Bohannon. **VOTE:** 13/0/0/0. **Motion passes.** **MOTION:** `K. Noonan **MOVED** to ask the Bryan Group to add the sentence “diverse and nontraditional applicants are encouraged to apply to additional information section of the job posting “**SECOND:** L. Steadman. **DISCUSSION:** L. Walker explained that it is clear about the required NH credentials. B. Bohannon does not agree and will not vote for this will not vote for this either. C. McDaniel-Thomas is concerned that there are not enough people for the pool. J. Strimbeck said to make the statement simpler. J. Rathbun said that a Superintendent has to hold a leadership position for 3 years as a principal or administrator. L.

Steadman explained at the Search Committee Meeting the entire committee had discussed this and agreed with 10 years of experience in public schools. **VOTE:** 5.487/7.183/0/0. **Motion fails.** The Bryan Group is suggesting reducing the 10-year experience requirement. **MOTION:** D.LeClair **MOVED** to accept the Bryan Group's recommendation to reduce the 10 year experience requirement to match the 3 years of required experience for licensure. **SECOND:** J.Strimbeck. **DISCUSSION:** B. Bohannon would vote no. The discussion at the committee level was passionate. J. Strimbeck would not agree with the 10 years. L. Steadman would vote no. She entrusted the committee and it is not polite to disregard their opinion. K. Noonan will vote no. Private Schools do not need to follow Special Ed. laws, it is a different animal. J. Rathbun commented that candidates do not pay attention to the requirements. To be a superintendent you need 5 years of leadership experience and so many years of teaching. It is impossible to be a superintendent after only 3 years. J. Rathbun regardless of what you put down. There are requirements. **D. LeClair and J. Strimbeck agreed on a Friendly amendment to change the 3-year requirement to 5 years.** **VOTE:** 9.673/3.327/0/0. **Motion passes.** **MOTION:** J. Strimbeck **MOVED** to remove the 24/7 availability clause from the job posting. **SECOND:** J.Cesaitis. **VOTE:** 13/0/0/0. **Motion passes.** The Bryan Group suggested adding a description of what makes the MRSD unique and the geographical area. C. McDaniel-Thomas had prepared a paragraph and read it to the Board. The Board gave a few suggestions. **MOTION:** S.Peters **MOVED** to empower C. McDaniel-Thomas to add a paragraph describing the accolades of the District and to describe the local region. **SECOND:** K. Noonan. **VOTE:** 13/0/0/0. **Motion passes.** The Bryan Group is recommending that the District add the salary information to the posting. J. Rathbun commented that the DOE has that information which is public. Candidates do the research. S. Peters commented that the candidate will ask the salary at the first interview. L. Steadman explained that the consultant will usually ask the candidate what they make and what they expect. **VOTE:** 11.868/0/1.132/0. **Motion passes.** The Bryan Group suggested the closing date for the application to be November 10, 2023. **MOTION:** K.Noonan **MOVED** to change the candidate application closing date to November 10, 2023. **VOTE:** 13/0/0/0. **Motion passes.** C. McDaniel-Thomas explained that the proposal for the ad is under \$3000.00. K. Noonan asked about members being able to contact each other outside of a meeting. **MOTION:** L. Steadman **MOVED** to seek legal counsel on input of the structure of the Superintendent Search Committee. **SECOND:** K. Noonan. **DISCUSSION:** L. Walker had received information from legal counsel and it stated that members can not share google doc. as a means to communicate. **L. Steadman and K. Noonan withdrew their motion.** J. Rathbun asked if the committee will seal the information regarding candidates who apply. He would not want that information to leak out to their employers. S. Peters explained the candidates will be discussed and interviewed in non-public session. C. McDaniel-Thomas explained that the members of the committee are required to sign a confidentiality clause.

e. **Definitions: Consent Agenda:** It was explained that the Board is now able to vote on the entire consent agenda instead of each individual item.

## 6. **MATTERS THAT BOARD ACTION:**

### a. **Approve the Consent Agenda:**

- i. **September 19, 2023 Meeting Minutes:**
- ii. **2023/24 Manifest in the amount of \$1,7804,922.75**
- iii. **Budget Transfers: #1 A request from C. Woods in the amount of \$59,296**



from the Speech Services Salaries Line to the Contracted Services Line (additional days, of service from the last meeting) #2 A request from C. Woods in the amount of \$87,699 from the Special Educator Salaries and Benefits Lines to the OOD Private Tuition Line (unfilled MS Life Skills position, choosing not to fill at this time) #3 A request from C. Woods in the amount of \$96,029 from the Special Educator Salaries and Benefits Lines to the OOD Private Tuition Line (unfilled Cutler Special Educator position, choosing not to fill at this time). **MOTION:**K.Noonan **MOVED** to approve the consent agenda as presented except for 6.a.iv. **SECOND:** L. Steadman. **VOTE:** 13/0/0/0. **Motion passes.**

iv. **Building & Grounds Truck w/Plow Bids:** The administration had received 3 bids for the new truck and the Board would like to support the recommendation of the administration. **MOTION:** L. Steadman **MOVED** to support the recommendation of the administration and to accept the bid from Fairfields of Keene for the purchase of a 2024 GMC 2500HD Sierra with Plow in the amount of \$62,867. **SECOND:** K.Noonan **VOTE:** 13/0/0/0. **Motion passes.**

b. **Approve Appreciation Lunch or Swag for Education Support Professionals Day (11/15):** **MOTION:** J. Strimbeck **MOVED** to support an appreciation luncheon or swag for Education Support Professionals Day on Nov. 15, 2023. **SECOND:** Noonan **VOTE:** 13/0/0/0. **Motion passes.**

c. **Student Government Representative:** J. Rathbun informed the Board that there is a Student Government representative who will be attending two Board Meetings a month.

7. **SETTING NEXT MEETING’S AGENDA:**

- a. **Superintendent Search**
- b. **Policies for second read**
- c. **NHSBA Delegate Assembly Recap**
- d. **2024/25 CIP**
- e. **Work Ethic and Behavior (2nd Cohort Review)**
- f. **Ed/Tech Presentation**

8. **Public Comments:** S.Peters thanked L. Steadman for chairing the last Board Meeting in his absence.

9. **ADJOURNMENT: MOTION:** K. Noonan **MOVED** to adjourn the meeting at 8:50 PM. **SECOND:** S.Lawlor **VOTE:** 13/0/0/0. **Motion passes.**

Respectfully submitted,

**Laura L. Aivaliotis**  
**Recording Secretary**

**VOTING KEY:**Yes/No/Abstain/Absent

# MRSD School Board

## Strategic Goals 2023/24

*Board Approved 8/22/2023*

1. By the final meeting of this board (3/5/2024), interview, select, and hire a new Superintendent to begin employment with the district on or before 7/1/2024
2. By 10/31/2023, document the School Board's educational philosophy and first long-term educational strategy, to be included in the FY2024/25 proposed budget
3. By 10/31/2023, complete the annual Capital Improvement Plan. Present recommendations for the next wave of SAU or MRMHS capital projects to be included in the proposed budget, a warrant article, or a specific strategy to fund either of the related trust funds via warrant article
4. At the second monthly board meeting from September through February, the board will receive a report and then study a specific cohort of students. On or before the end of this school board's term (3/11/2024), combine these studies with the work of this year's Education committee, and craft one or more continuous improvement initiatives for the cohort and/or the next generation of students
  - a. Proposed cohort
    - i. Grade 5 (class of 2031)
    - ii. Grade 8 (class of 2028)
    - iii. Grade 11 (class of 2025)
  - b. Areas of study: Aligned with the Education Committee's defined measurement categories:
    - i. Ready for School
    - ii. Competency
    - iii. Growth
    - iv. Achievement
    - v. Work Ethic
    - vi. Behavior
    - vii. Attendance
    - viii. Nutrition
    - ix. Ready to Launch