

**ASHLAND SCHOOL BOARD**  
**Policy Review Committee**  
Conference Room – Ashland Elementary School  
January 7, 2025 @ 5:30 p.m.

**AGENDA**

- **Minutes** – September 3, 2024 Policy Review Committee Meeting Minutes – Review
- **NHSBA Legislative Updates – Priority/Required by Law**

**DAF-5**

**Conflict of Interest and Mandatory Disclosures**

*Priority/Required by Law*

Revised language regarding mandatory disclosures updated in accordance with updated legislation.

**Recommendation:** Adopt redline changes.

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**DAF-9**

**Time-Effort Reporting/Oversight**

*Priority/Required by Law*

Revised for employee timekeeping and audit requirements, in accordance with updated legislation.

**Recommendation:** Adopt redline changes.

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**DAF-12**

**Reporting on Real Property**

*Priority/Required by Law*

Added in accordance with updated legislation.

**Recommendation:** Adopt.

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**DAF-13**

**Whistleblower Protections**

*Priority/Required by Law*

Added in accordance with updated legislation.

**Recommendation:** Adopt.

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**GBGBA/JLCEA/KFD Use of Automated External Defibrillator(s)**  
**(New to Ashland)** *Priority/Required by Law*

This sample policy is now classified as "Priority/Required" and revised in response to SB379, which amended RSA 200:40-c regarding the location and maintenance of AEDs. The maintenance requirement was already included in paragraph 3 of the previous version.

**Recommendation:** Adopt redline changes.

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**IGE**

**Parental Objections to Specific Course Material**

*Priority/Required by Law*

Revised to reflect updates to NH RSA 186:11, IX-c due to HB1312.

**Recommendation:** Adopt redline changes.

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**IHAM**

**Health Education and Exemption From Instruction**

Revised to reflect updates to 186:11, IX-c due to HB1312 regarding curricula requiring parental notification.

**Recommendation:** Adopt redline changes.

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**JJIC**

**Eligibility for Interscholastic Athletics**

*Priority/Required by Law*

Replaced in its entirety and retitled. See attached memo regarding changes.

**Recommendation:** Consult with private counsel prior to making changes or moving forward.

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**JLCJA**

**Emergency Plan for Sports Related Injuries and Additional Protocols for Athletics Participation**

*Priority/Required by Law*

Revised to reflect SB379, which amended RSA 200:40-c to require that all school-sponsored sports activities for grades 6-12 be supervised by someone trained in CPR. The statute also mandates proper maintenance of AEDs according to manufacturer instructions and ensures at least one AED is easily accessible.

**Recommendation:** Adopt redline changes.

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# September 3, 2024 | Ashland Policy Review Committee | Minutes

Attendees: Stephen Felton, Jennifer Foote, Guy Donnelly, Mary Moriarty

## Notes

- The Board reviewed the policies on the agenda.
- Next meeting: November 21, 2024 @ 5:30pm

## Action items

- Move forward to Board as presented:
  - AC-2 - Prohibition of Discrimination on the Basis of Race - Crown Act
  - BBB - Term of Office
  - BBB-1 - Number of Board Members
  - BBBA - Qualifications
  - EFAA - School Lunch Program Meal Charge

## BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

### Conflict of Interest and Mandatory Disclosures

DAF-5

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

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

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

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

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

~~No employee, board member or other District officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict - or apparent conflict - of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, (collectively a "covered individual") has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.~~

~~Additionally, no employee, board member or other District officer, or agent may solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. This prohibition, however, shall not apply to gratuities of de minimis value, which, for purposes of the policy, are individual gifts, favors, or other items of monetary value, worth \$50 or less and which have no bearing on the selection, award or administration of a Federal award.~~

~~*The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient or sub-recipient.*~~

~~Each covered individual who is engaged in the selection, award or administration of a contract supported by a federal grant or award and who has a potential conflict of interest must disclose that conflict in writing to the Superintendent, who, in turn, shall disclose in writing any such potential conflict of interest to NHDOE or other applicable pass-through-entity.~~

~~Employees who violate this provision are subject to disciplinary consequences up to and including dismissal. Agents or contractors acting on behalf of the District are subject to contract termination. School board members or other District officers are subject to such actions as are within the authority of the School Board or district. Violations will also be reported to law enforcement in appropriate circumstances.~~

The Superintendent shall timely disclose in writing to NHDOE or other applicable pass-through-entity, and to the Federal awarding agency whenever the Superintendent has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The notice to the Federal awarding agency shall be directed to that agency's Office of Inspector General. The Superintendent shall fully address any such violations promptly and notify the Board with such information as is appropriate under the circumstances (e.g., taking into account applicable disciplinary processes).

Adopted: 06/10/21  
PRC 11/21/24

## BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

### Time-Effort Reporting / Oversight

DAF-9

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

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

#### **A. Compensation:**

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 CFR 200.431 Compensation – fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

1. is reasonable for the services rendered, conforms to the District's established written policy, and is consistently applied to both Federal and non-Federal activities; and
2. follows an appointment made in accordance with the District's written policies and meets the requirements of Federal statute, where applicable.

#### **B. Time and Effort Reports:**

~~Time and effort reports shall:~~

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

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

1. Time and effort reports – general standards. Such reports shall:

- a. be supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- b. be incorporated into the official records of the District;
- c. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;
- d. encompass both Federally assisted and other activities compensated by the District on an integrated basis;
- e. comply with the District's established accounting policies and practices;
- f. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award, a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

2. Individual employee time and effort reporting. Timesheets and required periodic certifications shall include at a minimum:

- a. Employee name;
- b. Grant information;
- c. Time spent on grant;
- d. Period of performance
- e. Signature of employee, and dated after period of performance;
- f. Signature of employee's supervisor who has direct knowledge of the work performed, and dated after period of performance; and
- g. Certifying statement that information is true (can be placed above signatures).

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

**C. Audit Requirements:** The District is required to have a single or program-specific audit conducted for any fiscal year in which the District expends \$1,000,000 or more. A single audit must be conducted in accordance with 2 CFR 200.514, and must cover the entire operations of the entity, or a series of audits that includes all departments, agencies and other organizational units that expended or otherwise administered Federal awards during the audit period. A program-specific audit must be conducted in accordance with 2 CFR 200.501(c).

For any year that the District expends less than \$1,000,000 during the District's fiscal year in Federal awards, the District is exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503, but records must be available for review or audit by appropriate officials of the Federal agency, the New Hampshire Department of Education or other pass-through entity, and the Government Accountability Office (GAO).

Adopted: 06/10/21  
 PRC: 11/21/24



**Reporting on Real Property**

The District will annually submit reports on forms provided by the New Hampshire Department of Education (NHED) and in accordance with the Rules or procedures of NHED of any real property in which the Federal Government retains an interest.

PRC: 11/21/24

**Whistleblower Protections: Notification, Rights & Remedies**

In accordance with the Federal Uniform Grant Guidance, the District is committed to maintaining the highest standards of integrity and transparency in its operations. This policy encourages and protects employees, contractors, and other stakeholders who report, in good faith, any instance of fraud, waste, abuse, or any other misconduct related to federally funded programs. The District will not retaliate against any individual who, in good faith, reports concerns related to financial irregularities, fraud, or any violation of law or policy involving federally funded programs. Retaliation against a whistleblower may result in disciplinary action, up to and including termination.

The Superintendent shall ensure that all employees and contractors are notified in writing of their whistleblower rights and remedies under 41 U.S.C. § 4712, including the protection against retaliation for reporting misconduct.

Methods of notification may include:

- Employee handbooks, training materials, and/or other onboarding resources;
- Contracts with employees and or third party contractors;
- Periodically distributed to all employees via email or other communication channels; or
- Displayed prominently in the District's internal communication platforms and in common areas of the workplace.

Individuals may report suspected violations through the following methods:

- Directly to the Superintendent or Business Administrator, via email or in writing.
- Reporting directly to Office of Inspector General for the Federal awarding agency.:

PRC: 11/21/24

**Use and Location of Automated External Defibrillators**

The Board has acquired/purchased an Automatic External Defibrillator(s) (AED) for use in emergency situations warranting its use.

The use/administration/maintenance of the AED is subject to the following conditions:

1. **Location of the AED (s):** The Superintendent, working with the Building Principals and School Nurses, shall select and approve the location(s) for the AED(s). At least one AED shall be readily accessible in a well-marked and safe place for use in responding to cardiac emergencies, and shall not be located in an office or be stored in a location that is not easily and quickly accessible.
2. **Authorized Employees/Training of A Users:** The Principal and school nurse shall identify anticipated responders expected to use the AEDs. ~~Anticipated responders shall AEDs will be administered only by those employees designated by the principal, in consultation with the school nurse. Employees will be authorized after they have successfully received and completed complete appropriate training in cardiopulmonary resuscitation and AED use. This provision shall not limit the use of AEDs to anticipated responders nor shall it limit the protections from liability in RSA 153-A:31. Such training may be provided by the school nurse or from another source acceptable to the school nurse and principal.~~
3. **Maintenance:** AEDs will be maintained by the School Nurse, or his/her designee. Maintenance shall be done according to the AED manufacturer's specifications. The School Nurse will maintain a record of all maintenance which has been performed on the AED(s)
4. **Registration of AED(s):** In accordance with RSA 153-A:33, the School Nurse, or his/her designee, shall register the AED(s) with the New Hampshire Department of Safety. See sample registration forms in Appendix KFD-R or at [www.state.nh.us/safety/ems/aed\\_public\\_registry\\_packet.pdf](http://www.state.nh.us/safety/ems/aed_public_registry_packet.pdf).
5. **Incident Reporting:** The School Nurse, or his/her designee, shall report all instances of AED use with the New Hampshire Department of Safety. See sample incident report forms in Appendix KFD-R or at [www.state.nh.us/safety/ems/aed\\_public\\_registry\\_packet.pdf](http://www.state.nh.us/safety/ems/aed_public_registry_packet.pdf).
6. **Liability Limited:** The District, and persons administering the AED(s), shall enjoy the limitations of liability as specified in RSA 153:A-31, as well as other sources of law.

**Legal References**

Bureau of Emergency Medical Services, 271-4568, State of NH  
RSA 153-A:28-33, Automated External Defibrillation

PRC: 11/21/24

**Objections to Course Material**

The Board recognizes that there may be specific course materials which some parents/guardians find objectionable.

Parents or legal guardians who find specific course material objectionable shall notify the Building Principal in writing of the specific material to which they object. They may request that the student receive alternative course material. This notification and request shall be in writing.

School District staff will make reasonable efforts, within the scope of existing time, schedules, resources and other duties, to accommodate alternative instruction for the student. Alternative instruction may be provided by the school through approved independent study, or through another method agreed to by the parent/guardian and the building Principal. The cost related to the alternative course material is the responsibility of the parent/legal guardian.

The parent/legal guardian and the school principal must mutually agree on the substitution of an alternative curriculum. The alternative course materials must meet the educational requirements as stipulated in the state minimum standards.

Nothing in this policy shall be construed as giving parents/guardians the right to appeal to the School Board.

In accordance with the federal Protection of Pupil Rights statute, as a School District that receives federal Department of Education funds, and NH RSA 186:11, IX-c, the Superintendent shall develop procedures to allow parent/guardian of a student to review any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to instructional material within a reasonable period of time after the request is received (as is reasonable under the circumstances).

**NOTE regarding human sexuality and human sexual education:** In addition to the protections under this policy, per RSA 186:11, IX-c and Board policy IHAM, parents/guardians are afforded additional affirmative rights with respect to instruction or program of human sexuality, human sexual education, sexual orientation, gender, gender identity, or gender expression, including, among other things, the right to receive a minimum of 2 weeks advance notice of any curriculum course material to be used with respect to such instruction or program. Such notice will be delivered via email, other direct written means, website/social media posting, or phone call. As indicated in RSA 186:11, IX-c, no notice is required if the District employee is responding to a question from a student during class.

*Legal References:*

*RSA 186:11, IX-c & IX-e State Board of Education; Duties.  
20 U.S.C §1232h, (c)(1)(C), Protection of pupil rights*

Approved: 06/05/12  
Reviewed: 11/05/13  
Amended: 06/05/18  
Amended: 06/07/22  
PRC: 11/21/24

### **Health Education and Exemption from Instruction**

Consistent with Department of Education requirements, health and physical education, including instruction about parts of the body, reproduction, sexuality education, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) and related topics, will be included in the instructional program. Sexuality education shall include instruction relative to abstinence and sexually transmitted infections.

Instruction must be appropriate to grade level, course of study, and development of students and must occur in a systematic manner. The Superintendent will require that faculty members who present this instruction receive continuing in-service training, which includes appropriate teaching strategies and techniques.

Parents/guardians will have the right to inspect health and physical instruction materials which will be made reasonably accessible to parents/guardians and others to the extent practicable.

Parents and legal guardians shall be notified by e-mail, other written means, website/social media postings or phone call, not less than two (2) weeks in advance of use of the curriculum course material to be used for instruction of human sexuality or human sexual education, that the material is available for inspection at the school. The notice will identify and provide contact information for the member of staff or faculty whom a parent or guardian should contact to arrange an opportunity to inspect the curriculum course material.

Parents/guardians who wish to review or inspect health and physical education materials may arrange a meeting with the Principal to review the materials.

In accordance with the federal Protection of Pupil Rights Amendment, as a School District that receives federal Department of Education funds, and also in accordance with NH RSA 186:11, IX-c, the Superintendent shall develop procedures to allow the parent/guardian of a student to inspect any instructional material used as part of the educational curriculum for the student. The procedures will provide access to the requested instructional material promptly (as is reasonable under the circumstances) to instructional material within a reasonable period of time after the request is received. Accordingly, the notice will identify and provide contact information for the Principal or other staff member whom a parent or guardian should contact to arrange an opportunity to inspect the curriculum course material.

#### **Opt-Out Procedure and Form**

Parents/guardians, or students over eighteen years of age, who do not want their child to participate in a particular unit of health or sex education instruction for religious reasons or religious objections, are allowed to have their child opt-out of such instruction. **(Note: Per RSA 186:11, IX-c, parents/guardians have additional opt-out rights under Board policy IGE.)**

Parents/guardians who do not want their child to participate in a particular unit of health or for religious reasons must complete a Health and Sex Education Exemption/Objectionable Course Material: Opt-Out Form. Opt-Out Forms are available from either the health education teacher or the Principal. Opt-out requests must be submitted annually and are valid only for the school year in which they are submitted.

Any student who is exempted by request of the parent/guardian under this policy may be given an alternative assignment sufficient to meet state requirements for health education. The alternative assignment will be provided by the health or physical education teacher in conjunction with the Principal.

~~In accordance with the federal Protection of Pupil Rights statute and as a School District that receives federal Department of Education funds, the Superintendent shall develop procedures to allow parent/guardian of a student to review any instructional material used as part of the educational curriculum for the student. The procedures will provide reasonable access to instructional material within a reasonable period of time after the request is received.~~

**Legal References:**

*20 U.S.C §1232h, (c)(1)(C), Protection of Pupil Rights*  
*RSA 186:11, IX-c & IX-e Notice to Parents/Guardian Required*  
*NH Code of Administrative Rules, Section Ed 306.40, Health Education Program*  
*NH Code of Administrative Rules, Section Ed 306.41, Physical Education Program*  
*RSA 186:11, IX-b, Health and Sex Education*

Adopted: 06/05/18  
Amended: 06/07/22  
PRC: 11/21/24

**Eligibility for Interscholastic Athletics**

Students who desire to participate on interscholastic athletic teams do so on a volunteer basis with the understanding that it is a privilege and not a right to be a member of a school team. Students shall be allowed to participate in school-sponsored interscholastic sports on the basis of their physical condition, skill and desire, subject to appropriate, non-discriminatory selection procedures, such as tryouts, fitness tests, etc.

**I. Eligibility:** Before participating on any interscholastic athletic team (including any school-sponsored club team) students must meet and satisfy the following eligibility requirements.

**A. General:**

1. All standards of eligibility under rules or guidelines of the New Hampshire Interscholastic Athletic Association (NHIAA) or other such governing organization.
2. All standards of eligibility for co- or extracurricular activities as set forth in:
  - i. any rules that may be school, athletic program or team specific;
  - ii. applicable administrative regulations or procedures;
  - iii. applicable Board policies (e.g. JJA)

**B. Registration Documentation:**

1. Registration form with emergency contact and any special medical information,
2. Parental consent form,
3. Participation fee (parents may request a fee waiver), and
4. Student's original birth certificate:

For purposes of this policy, an "original birth certificate" is one issued at or near the time of the student's birth. If a copy is indicated as "modified", it must clearly show that any modification to sex relate only to correction of a scrivener or clerical error.

If the submitted birth certificate does not appear to be the original birth certificate, or it does not indicate the student's sex at birth, then the student/parent/guardian must provide other evidence indicating the student's sex at birth. Such evidence may include such things as: hospital records, photo or video materials, newspaper, social or publications produced near the time of birth, notarized statements from the parent or guardian regarding the student's biological sex at birth. The student or the student's parent or guardian must pay any costs associated with providing such alternative evidence.

**C. Physical:**

1. A completed "Physical Preparticipation Evaluation" signed by a physician, nurse practitioner or physician's assistant in collaboration with a physician. The district may require additional information from a healthcare provider before allowing a student to participate in athletics if the district is aware of an injury or illness that could be exacerbated by participation.
2. Baseline Test - High School Students: All high school students must take an ImPACT Neuropsychological test prior to participation (including tryouts) in any school sponsored athletic teams, and any other NHIAA sport or sanctioned activity. The test must also be administered two years after the first. Generally, the tests will occur in the 9<sup>th</sup> and

11<sup>th</sup> grades, but may be different for transfer students, or students who first participate in the 10<sup>th</sup> grade.

**D. Academic:** In addition to the academic requirements set forth the requirements of the NHIAA, Board policy JJA, students must meet the following academic requirements below to participate in interscholastic athletics. Eligibility for each marking period is determined by grades received in the previous grading period. Semester and/or yearly grades have no effect on eligibility.

1. Students who lose their academic eligibility while participating in an athletic activity in which the season extends beyond the marking period will not be allowed to continue participating. Students participating in athletic activities who do not meet academic requirements will lose eligibility at the time that the report card is issued.
2. Transfer students' academic eligibility for participation in an athletic activity will be determined initially by their incoming GPA. These eligibility criteria will apply through and include the student's first marking period of attendance in the school district. Transfer students whose incoming GPA does not meet the academic requirements will be denied academic eligibility during their first marking period in the school district, after which, the academic requirements above shall apply.
3. A special education student who is working toward a special diploma/certificate must make standard progress in those courses taken as determined by the student's Individualized Educational Program (IEP). A special education student who is working toward a standard diploma must meet the same academic standards for participation in athletic activities.
4. The Superintendent or his/her designee may develop additional procedures intended to monitor academic performance of student-athletes, with the object of early intervention.

**II. *{OPTIONAL Section, Consult see Endnote #1, Special Adoption Note a. For further information, consult with the District's counsel.}* Gender Specific Teams for Middle and High School:** Each interscholastic team approved by the School Board for any of grades 5-8 shall be designated as a boys, girls or coed team. Teams designated for boys will not be open to girls, and teams designated for girls will not be open to boys. [See Endnote #2] For the purposes of this section, a student's sex is determined by the birth certificate or other evidence as described in Section I.D.4, above. Coed teams are open to students of all sexes. {If opting NOT to adopt this section II, renumber III and IV accordingly.}

**III. Severability:** If any provision of this policy is held to be invalid for any reason, such action shall not invalidate the remainder of this policy. If any provision of this policy conflicts with any provisions in any other Board policies, the provisions of this policy shall prevail, except to the extent such provisions contravene any applicable state or federal law.

**IV. Records:** The Superintendent shall establish regulations and procedures to ensure:

- A. records supporting a student's eligibility consistent with this policy are collected and maintained (in original or summary form);
- B. necessary data related to ineligible students is collected and reported as required by law;
- C. cultural traditions of students are considered when establishing or enforcing rules related to participation in extracurricular activities; and
- D. other requirements of this policy are met.

**Legal References:**



RSA 193:41 School Athletics  
RSA 193:42 School Athletics; Causes of Action

PRC: 11/21/24

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## ASHLAND SCHOOL DISTRICT MEMORANDUM

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**TO:** ASHLAND SCHOOL BOARD POLICY REVIEW COMMITTEE  
**FROM:** HEATHER BULLIMORE, EXECUTIVE ADMINISTRATIVE ASSISTANT  
**SUBJECT:** LEGISLATIVE CHANGES TO POLICY JJIC – ELIGIBILITY FOR INTERSCHOLASTIC ATHLETICS  
**DATE:** NOVEMBER 15, 2024

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Policy JJIC has been replaced in its entirety and retitled (see attached sample policy). The main impetus for the policy revision was the 2024 passage of HB105, codified as RSA 193:41 - :42. See the below "**Note Concerning HB1205/RSA 193:41 and Title IX,**" regarding the viability of HB1205 and conflict with Federal law.

The proposed changes in the NHSBA revised include not only those related to HB1205 (highlighted with lilac), but also others intended merely as improvements, particularly with respect to calibration with other NHSBA samples (e.g., JJA, JJIB, etc.).

**School boards are strongly encouraged to review with their private counsel the relative risks in adopting or failing to adopt Section 8 of the revised sample JJIC.**

Finally, as most districts or schools have different or additional policies or procedures regulating participation in athletics, extra care should be taken to ensure that those policies/procedures are consistent with whatever course of action the board chooses relative to the draft revisions in this sample.

**Note from NHSBA Concerning HB1205/RSA 193:41 and Title IX:**

“Among other things, HB1205 limits participation in girls’ middle and high school\* interscholastic athletic teams to individuals whose “biological sex” as identified at or near the time of birth. The provision applies to formal "interscholastic" athletics, as well as any school-sponsored "club athletic teams" that play against teams from other public (including public charter) schools. The statute further requires that “each local school board” adopt and enforce policies to ensure compliance with the statute.

*\*The provisions of HB1205 only apply to schools in which any of grades 5-12 are taught.*

On September 12, 2024, the United States District Court for the District of New Hampshire issued a preliminary injunction finding HB1205 both unconstitutional and violative of Title IX. Accordingly, the Court enjoined enforcement of the statute in two school districts named in that case. See Tirrell, et al. v. Edleblut, et al., Case No. 24-cv251-LM-TSM (Order dated 9/12/2024). The limitation to those districts is a function of the fact that they are districts in which the two plaintiff students attend school, and the plaintiffs (the families of two transgender girls) only asked for an injunction against those districts. However, in the September 12 Order, the Court wrote: “HB 1205, on its face, discriminates against

transgender girls,” and that it “is not even a close call.” The New Hampshire District Court’s Order, although not a final order, is consistent with those issued in several other Federal Courts throughout the country. (Most recently, see *Doe v. Horne*, No. 23-16026, (9th Cir., Sept. 9, 2024).

In NHSBA’s Special Title IX Policy Update released in late July, we alerted subscribers to the fact that HB1205 was in direct conflict with the new Title IX regulations that took effect on August 1, 2024. The Tirrell Court’s order finding that HB1205 violated Title IX regarded the Title IX statutory language, not merely the 2024 regulations. This means that under the Court’s analysis in the September 12 Order, application of HB1205 could violate Title IX irrespective of whether a school is operating under the 2020 or 2024 Title IX regulations (for further information, see List of NH Schools included in Kansas Title IX Injunction accessible through a link on the home page of the NHSBA policy website).

**NHSBA strongly encourages school boards to review with their private counsel the relative risks in adopting or failing to adopt Section 8 of the revised sample JJIC.”**

**Emergency Plan for Sports Related Injuries and Additional Protocols for Athletics Participation****A. Creation of Plan.**

No later than August 1, 2022, the Superintendent or their designee in consultation with Building Principal(s), the Athletic Director, District Athletic Trainer and School Nurse(s), shall establish a "Sports Injury Emergency Action Plan" (at times referred to in this policy as the "Plan") for responding to serious or potentially life-threatening injuries sustained from sports or other school sponsored athletic activities. The Sports Injury Emergency Action Plan shall:

- a. Document the proper procedures to be followed when a student sustains a serious injury or illness while participating in school sponsored sports or other athletic activity;
- b. List the employees, team coaches, and licensed athletic trainers in each school who are trained in first aid or cardiopulmonary resuscitation;
- c. Identify the employees, team coaches, or licensed athletic trainers responsible for carrying out the emergency action plan;
- d. Identify the activity location (which shall be consistent with the provisions of GBGBA/JLCEA/KFD), address, or venue for the purpose of directing emergency personnel;
- e. Identify the equipment and supplies and location thereof needed to respond to the emergency;
- f. Identify the location of any automated external defibrillators and personnel trained in the use of the automated external defibrillator; ~~and~~
- g. Document policies related to cooling for an exertional heat stroke victim consistent with guidelines established by the American College of Sports Medicine and the National Athletic Trainers' Association; ~~and~~
- h. Require that all school sponsored sports activities for any of grades 6-12 be supervised by a person trained in CPR.

**B. Dissemination of Sports Injury Emergency Action Plan.**

The Sports Injury Emergency Action Plan shall be posted within each school and disseminated to, and coordinated with, pertinent emergency medical services, fire department, and law enforcement.

**C. Additional Written Protocols and Procedures Required.**

No later than August 1, 2022, the Superintendent or his/her designee in consultation with each Building Principal(s), the Athletic Director, District Athletic Trainer and School Nurse(s), shall develop written procedures and protocols as described below:

1. Hydration, Heat Acclimatization and Wet Globe Temperature – protocols relating to hydration, heat acclimatization and wet bulb globe temperature as established by the American College of Sports Medicine and the National Athletic Trainers' Association;
2. Student Medical History – procedures for obtaining student-participant medical information for each student athlete prior to engaging in sports. Such information must include:
  - a. injury or illness related to or involving any head, face, or cervical spine;
  - b. cardiac injury or diagnosis;
  - c. exertional heat stroke;
  - d. sickle cell trait;
  - e. asthma;
  - f. allergies; or
  - g. diabetes.

Access, filing, and confidentiality of student-participant medical information shall be managed in accordance with the Family Educational Rights and Privacy Act (FERPA), and the Health Insurance Portability and Accountability Act (HIPAA).

3. Student Return to Play - Procedures governing a student's return to play after a sports or illness related injury pertaining to this policy are in addition to the return to play provisions specific to head injuries set forth in Board policy #5141.2 (JLCJ), and copies of the procedures must be maintained at the SAU office and available to the Department of Education and public upon request.

**D. Annual Review and Update.**

The Superintendent and/or designee shall assure that the Sports Injury Emergency Action Plan, and all procedures and protocols adopted pursuant to this policy are reviewed no less than annually and updated as necessary. Copies of the updated Plan and procedures should be provided to the Board no later than the start of each school year.

**E. Inclusion of Sports Injury Emergency Action Plan with Emergency Response Plan.**

The Sports Injury Emergency Action Plan shall be included with each school's annual Emergency Response Plan.

**Legal References:**

*20 U.S.C. §1232g, Family Educational Rights and Privacy Act (FERPA)*  
*34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations*  
*RSA 200:40-c, Emergency Plan for Sports Related Injuries*

Adopted: 09/06/22  
PRC: 11/21/24

**Reporting of Suspected Child Abuse or Neglect****A. Statutorily Mandated Reporting—All Persons:**

~~Under New Hampshire law (RSA 169 C:29), every person who has “reason to suspect” that a child has been abused or neglected is required to report that suspicion to DCYF (Division of Children, Youth and Families of the New Hampshire Department of Health and Human Services) or directly to the police. Under RSA 169 C:30, the initial report “shall be made immediately via telephone or otherwise.”~~

~~The requirement to report is not dependent on whether there is proof of the abuse or neglect, nor is it dependent upon whether the information suggests the abuse or neglect is continuing or happened in the past. Any doubt regarding whether to report should be resolved in favor of reporting. Failure to report may be subject to criminal prosecution, while a report made in good faith is entitled to both civil and criminal immunity. Additionally, a “credential holder”, as defined in New Hampshire Department of Education Rule 501.02(h), who fails to report suspected abuse or neglect risk having action taken by the New Hampshire Department of Education against his/her credential. See N.H. Code of Conduct for Educators, Ed. 510.05 (e).~~

~~The report should contain:~~

- ~~a. the name and address of the child suspected of being abused or neglected;~~
- ~~b. the person responsible for the child's welfare;~~
- ~~c. the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries);~~
- ~~d. the identity of the person or persons suspected of being responsible for such neglect or abuse; and~~
- ~~e. any other information that might be helpful in establishing neglect or abuse.~~

~~To report child abuse or neglect to DCYF, call 24/7 (800) 894-5533 (in state) or (603) 271-6562. In cases of current emergency or imminent danger, call 911.~~

**B. Additional provisions relating to school employees, volunteers and contracted service providers:**

~~Each school employee, designated volunteer or contracted service provider having reason to suspect that a child is being or has been abused or neglected must also immediately report his/her suspicions to the building Principal or other building supervisor. This initial report may be made orally, but must be supplemented with a written report as soon as practicable after the initial report, but in no event longer than one calendar day.~~

**1. Request for Assistance in Making Initial Report**

~~The initial report to the Principal/building supervisor may be made prior to the report to DCYF/law enforcement, but only if:~~

- ~~a. the initial report is made for the purpose of seeking assistance in making the mandated report to DCYF/law enforcement, **and**~~
- ~~b. reporting to the Principal, etc. will not cause any undue delay (measured in minutes) of the required report to DCYF/law enforcement.~~

~~When receiving a request for assistance in making a report, the Principal or other person receiving the request is without authority to assess whether the report should be made, nor shall he/she attempt in any way to dissuade the person from making the legally mandated report. Once the Principal/building supervisor receives the information, the law would impose a reporting requirement upon both the original reporter and the Principal.~~

**2. Principal's Action upon Receiving Report**

~~Upon receiving the report/request from the employee, volunteer or any other person, the Principal/building supervisor shall immediately assure that DCYF/law enforcement is or has been notified, and then notify the Superintendent that such a report to DCYF has been made.~~

~~A written report shall be made by the Principal to the Superintendent within twenty four (24) hours, with a copy provided to DCYF if requested. The report shall include all of the information included in the initial oral report, as well as any other information requested by the Superintendent, law enforcement or DCYF.~~

~~3. Requirements for Reporting of Other Acts~~

~~Employees/contract providers are also reminded of the requirements to report any act of “theft, destruction, or violence” as defined under RSA 193-D:4, I(a), incidents of “bullying” per Board Policy JICK and hazing under RSA 671:7. A single act may simultaneously constitute abuse, bullying, hazing, and/or an act of theft, destruction or violence.~~

**C. Signage and Notification.**

~~The Superintendent is directed to assure that the Principal or administrator of each school shall post a sign within the school that is readily visible to students, in the form provided by the, Division for Children, Youth, and Families, that contains instructions on how to report child abuse or neglect, including the phone number for filing reports and information on accessing the Division's website. Additionally, information pertaining to the requirements of section A of this policy shall be included in each student handbook or placed on the district's website.~~

**D. Training Required.**

~~The Superintendent shall assure that all District employees, designated volunteers and contracted service providers receive training (in person or online) upon beginning service with the District, with annual refreshers thereafter, on the mandatory reporting requirements, including how to identify suspected child abuse or neglect.~~

**A. Statutorily Mandated Reporting – All Persons.**

**Under New Hampshire law (RSA 169-C:29), every person who has “reason to suspect” that a child has been abused or neglected is required to report that suspicion to DCYF (Division of Children, Youth and Families of the New Hampshire Department of Health and Human Services) or directly to the police. Under RSA 169-C:30, the initial report “shall be made immediately via telephone or otherwise.”**

The requirement to report is not dependent on whether there is proof of the abuse or neglect, nor is it dependent upon whether the information suggests the abuse or neglect is continuing or happened in the past. Any doubt regarding whether to report should be resolved in favor of reporting. Failure to report may be subject to criminal prosecution and potential personal liability, while a report made in good faith is entitled to both civil and criminal immunity. Additionally, a “credential holder”, as defined in New Hampshire Department of Education Rule 501.02(h), who fails to report suspected abuse or neglect risk having action taken by the New Hampshire Department of Education against his/her credential. See N.H. Code of Conduct for Educators, Ed. 510.05 (e).

**To report child abuse or neglect to DCYF, call 24/7 (800) 894-5533 (in-state) or (603) 271-6562. In cases of current emergency or imminent danger, call 911.**

**1. The initial report should contain to the extent known:**

- a. the name and address of the child suspected of being abused or neglected,
  - b. the person responsible for the child's welfare,
  - c. the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries),
  - d. the identity of the person or persons suspected of being responsible for such neglect or abuse; and
  - e. any other information that might be helpful in establishing neglect or abuse.
2. **Modes of Reporting.** When making a report to DCYF Central Intake, there are 3 modes of reporting that the Central Intake Service Provider will inform you about before you proceed to the actual report. The modes of reporting are:
- a. Disclosure Allowed – The Caller/Reporter provides all their identifying information to DCYF, and it may be provided to the child’s family upon request.
  - b. Disclosure NOT Allowed – The Caller/Reporter provides all their identifying information to DCYF; however, information is redacted in official paperwork provided to the child’s family unless the case goes on to prosecution. At prosecution, identifying information in all reports become public record.
  - c. Anonymous – The Caller/Reporter calls the (603) 271-6562 number, blocks their “Caller ID” when calling DCYF, and does not provide any of their identifying information (personal or organizational). If calling anonymously, be sure to get the “Report Number” from Central Intake for your call and document it on the <School/Org. Name> Reporting Form. It is the only proof the caller/reporter made the report to DCYF.
3. **Required reporting mode for school employees, volunteers and contracted service providers.** Notwithstanding that state law allows an anonymous mode of reporting to DCYF, it is the policy of the District that employees, volunteers and contracted service providers who are making a report to DCYF regarding a child/family involved with the District make such report using the "Disclosure Allowed" or as "Disclosure NOT Allowed" modes. This will help ensure there is a legal record of the report being made on behalf of the District. If there are concerns about these reporting modes due to potential retaliation from the family or others, consult the Principal for support.

**B. Additional provisions relating to school employees, volunteers and contracted service providers.**

Each school employee, designated volunteer or contracted service provider having reason to suspect that a child is being or has been abused or neglected must also immediately report his/her suspicions to the building Principal or other building supervisor. This initial report must be made orally, and must be supplemented with an original completed form **JLF-F(1) "Child Abuse and/or Neglect Reporting Form" (\*\*see new procedure\*\*)** as soon as practicable after the initial report, but in no event longer than one calendar day.

1. Request for Assistance in Making Initial Report.



The initial report to the Principal/building supervisor may be made prior to the report to DCYF/law enforcement, but only if:

- a. The initial report is made for the purpose of seeking assistance in making the mandated report to DCYF/law enforcement, and
- b. reporting to the Principal, etc. will not cause any undue delay (measured in minutes) of the required report to DCYF/law enforcement.

When receiving a request for assistance in making a report, the Principal or other person receiving the request is without authority to assess whether the report should be made, nor shall he/she attempt in any way to dissuade the person from making the legally mandated report. Once the Principal/building supervisor receives the information, the law would impose a reporting requirement upon both the original reporter and the Principal.

## 2. Principal's Action upon Receiving Report or Information of Report.

Upon receiving the report/request from the employee, volunteer or any other person, the Principal/building supervisor shall immediately assure that DCYF/law enforcement is or has been notified, and then notify the Superintendent that such a report to DCYF has been made.

The Principal shall forward the original completed form JLF-F(1) to the Director of School Counseling within twenty-four (24) hours if it is available. If the completed form is not yet available, then the Principal shall forward a written report including the relevant information, such as:

- the identity(ies) of the child(ren) and other persons directly involved in the report (suspected responsible parents or others);
- the identities of siblings or other children in the household of the child(ren) who is the subject of the report;
- information relating to the fact that a report was made to DCYF (e.g. the date, the mode, the person who made the report and **the DCYF report number**); and
- any other information requested by the Director of School Counseling, law enforcement or DCYF.

The Principal will follow that initial report with the completed, original JLF-F(1) as soon as it is available from the original reporter. **Such reports shall be maintained permanently in a separate file within the SAU office and not as part of any involved student's file.**

## 3. Personal Notes of Reports.

Each person with knowledge of a report to DCYF (e.g., the original reporter, the Principal, the Superintendent, etc. )is encouraged to create and maintain **personal notes** reflecting the information they have relative to the nature of the report, as well as information pertaining to the fact of the report (e.g., the date, time, person making, and mode of the report), and the DCYF report number.

## D. Signage, Notification and District Reporting Form.

The Superintendent is directed to assure that the Principal or administrator of each school shall post a sign

within the school that is readily visible to students, in the form provided by the Division for Children, Youth, and Families or available from the Granite State Children's Alliance, that contains instructions on how to report child abuse or neglect, including the phone number for filing reports and information on accessing the Division's website. Additionally, information pertaining to the requirements of Section A of this policy shall be included in each student handbook or placed on the District's website. Finally, the Superintendent shall ensure that Form JLF-E is readily available to all staff members, either in hard copy form or through the District's or school's website.

### **E. Training Required.**

The Superintendent or his/her designee shall assure that all District employees, designated volunteers and contracted service providers receive training (in-person or online) upon beginning service with the District, with biennial renewal training thereafter, on the mandatory reporting requirements, this policy, and the materials described in Board policy GBCE and RSA 189:13-a, XII.

#### Legal References:

NH Code of Administrative Rules, Section Ed 306.04(a)(10), Reporting of Suspected Abuse or Neglect

NH Code of Administrative Rules, Code of Conduct for NH Educators, ED 510.05(e), Duty to Report

RSA 169-C, Child Protection Act

RSA 169-C:29-39, Reporting Law

RSA 189:72, Child Abuse or Neglect Information

Approved: 09/02/97  
Reviewed: 01/01; 11/04/03; 03/07/06  
Amended: 05/01/12; 11/01/16; 04/03/18  
Amended: 12/07/21  
PRC: 11/21/24

# JLF-F Child Abuse and/or Neglect Reporting Form

Report to the **New Hampshire Division for Children, Youth and Families (DCYF) Central Intake:**

**CALL: 1 (800) 894-5533 / (603) 271-6562**

**Central Intake Fax: 603-271-6565**

In cases of **current emergency, imminent danger or safety concerns, call 911.**

<b>School or Organization:</b> Ashland Elementary School				<b>Report Form Date &amp; Time:</b> Date: _____ Time: _____	
<b>Child Information:</b>					
<b>Child Name:</b> First: Last: Nickname(s):	<b>DOB:</b>	<b>Age:</b>	<b>Sex:</b>	<b>School Name:</b>	<b>Grade:</b>
<b>Additional Information Regarding Special Needs/Considerations:</b> (e.g., communication, developmental delays, IEP, etc.)					
<b>If KNOWN, Provide Sibling Information (or Information of other children in the home). If UNKNOWN, skip.</b>					
<b>Sibling # 1 Name:</b> First: Last: Nickname(s):	<b>DOB:</b>	<b>Age:</b>	<b>Sex:</b>	<b>School Name:</b>	<b>Grade:</b>
<b>Sibling # 2 Name:</b> First: Last: Nickname(s):	<b>DOB:</b>	<b>Age:</b>	<b>Sex:</b>	<b>School Name:</b>	<b>Grade:</b>
<b>Sibling # 3 Name:</b> First: Last: Nickname(s):	<b>DOB:</b>	<b>Age:</b>	<b>Sex:</b>	<b>School Name:</b>	<b>Grade:</b>
<b>Sibling # 4 Name:</b> First: Last: Nickname(s):	<b>DOB:</b>	<b>Age:</b>	<b>Sex:</b>	<b>School Name:</b>	<b>Grade:</b>
<b>Sibling # 5 Name:</b> First: Last: Nickname(s):	<b>DOB:</b>	<b>Age:</b>	<b>Sex:</b>	<b>School Name:</b>	<b>Grade:</b>
<b>Additional Information Regarding Special Needs/Considerations of Siblings:</b> (e.g., communication, developmental delays, IEP, etc.)					
<b>Legal Parent(s)/Guardian Information:</b>					

<b>Legal Parent/Guardian Name(s):</b> 1. 2.	<b>Address</b> (Where Child Resides with Parent(s)/Guardian(s):
---------------------------------------------------	-----------------------------------------------------------------

<b>Phone Number(s):</b> (Provide any KNOWN Phone Number(s) & Work Names):			
Home:	Cell:	Work:	Work Name:
1.	1.	1.	1.
2.	2.	2.	2.

**Additional Information Regarding Special Needs/Considerations of Parent(s)/Guardian(s):** (e.g., communication, developmental delays, mental health, substance use, domestic violence, etc.)

**Incident Information:**

<b>Reporter Name:</b> First: Last:	<b>Title/Role at Inter-Lakes School District:</b>
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**School Address:**

<b>Date of Report to NH DCYF:</b>	<b>Time of Report to DCYF:</b>	<b>Mode of Report:</b> (Check ONE) <input type="checkbox"/> Disclosure Allowed <input type="checkbox"/> Disclosure NOT Allowed <input type="checkbox"/> Anonymous
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**Person Completing this Report** (If different from "Reporter Name" above)

<b>Name:</b> First: Last:	<b>Title/Role at Inter-Lakes School District</b>
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**Reason for Report** (e.g., Alleged Perpetrator, Type of Suspected Abuse (Physical/Sexual/Emotional)/Neglect and Date)

**NOTE:** For suspected physical or sexual abuse, do NOT contact the parent(s)/guardian(s) regarding this report. Let DCYF/Law Enforcement be the first point of contact with the parent(s)/guardian(s) to protect the child and any potential evidence.

**Did the Child Disclose Information?**     Yes                       No

**If YES, provide the child's EXACT words and any dialog you had with the child. If NO, please explain what led to your suspicion of child abuse/neglect. Use additional paper as needed.**

<b>NH DCYF Response:</b>	<input type="checkbox"/> Screened-In <input type="checkbox"/> Screened-Out	<b>Report Number:</b>
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<b>Additional DCYF Response Directions:</b>	(Provided by NH DCYF Central Intake):
	<b>DCYF Central Intake Worker Name:</b>

**Building Principal Informed:**     Yes                       No

<b>If YES, Principal Name/Title:</b>	<b>Check ALL that Apply:</b> <input type="checkbox"/> Verbally Notified <input type="checkbox"/> Provided this Report Form
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**Police Notification:**     Yes                       No

<b>If YES, Police Department Name:</b> <b>Officer Name/Title:</b>	<b>Check ALL that Apply:</b> <input type="checkbox"/> <i>Verbally Notified</i> <input type="checkbox"/> <i>Provided this Report Form</i>
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**Reporter Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Parental Notification of and Involvement in Student Welfare**

Pursuant to New Hampshire RSA 186:11, IX-e, the District will not adopt policies, procedures, or student support forms that prohibit District personnel from answering questions from a parent/guardian about that parent's/guardian's student's mental, emotional, or physical health or well-being, sexuality, or a change in related services or monitoring, or that have the effect of encouraging a student to withhold from a parent/guardian such information.

District personnel will not discourage or prohibit parental/guardian notification of and involvement in critical decisions affecting that parent's/guardian's student's mental, emotional, or physical health or well-being.

The Superintendent is authorized to adopt procedures that permit District personnel to withhold any of the above information from a parent if a reasonably prudent person would believe that such disclosure would result in abuse, abandonment, or neglect of a student or other child as those terms are defined in RSA 169-C:3.

To the extent that any other school board/district/school/class policy, procedure, rule or regulation, conflicts with the above, this policy shall supersede - but not otherwise impact - such policy, procedure, rule or regulation.

**Legal References:**

RSA 169-C:3 Definitions

RSA 186:11, IX-e Notice to Parents/Guardian Required

PRC: 11/21/24

### **School Lunch Program Meal Charge**

#### **Belief**

The Ashland School District recognizes that the basic primary need of nourishment is essential not only for one's wellbeing, but also a key factor for learning. As a result of this belief, no student will be excluded from receiving school breakfast and/or school lunch based on the status of their student meal account.

#### **Definitions**

*A la carte* choices are items not considered to be part of the published main meal as well as additional servings of the published main meal.

*School breakfast and lunch* are defined as the published main meal for breakfast and lunch and does not include a la carte items.

*School Lunch Program* references the School District program for providing school breakfast and lunch.

*Student meal account* is associated with each student who accesses the School Lunch Program; funds can be added by cash received, personal checks, and/or by parents/guardians adding funds through the School District's online student meal account program (information on the online account program can be found on the School District website <http://www.interlakes.org/district-departments/food-services.html> or <https://www.schoolpaymentportal.com/Default.aspx>)

#### **Purpose**

The purpose of this policy is to establish consistent meal account procedures throughout the School District. The goals of this policy are to:

- treat all students and families with dignity regarding meal accounts;
- establish a consistent School District Policy regarding charges and collection of charges;
- support positive situations with School District staff, School District business policies, students and parents/guardians to the maximum extent possible;
- establish policies that are age-appropriate;
- encourage parents/guardians to assume responsibility of meal payments and to promote self-responsibility of the student; and
- encourage an understanding that the Federal regulations prevents school districts from having negative account balances associated with school lunch programs.

#### **Responsibilities**

- The Food Service Contractor is responsible for maintaining charge records and notifying the School District of outstanding balances.
- The School District:
  - Is responsible for collaborating with the Food Service Contractor and families to settle outstanding balances.
  - Recognizes that there are many life events that impact families and when made aware of such situations that may impact a family's ability to pay outstanding balances the School District will work to find means to support the family.
- Parent(s)/Guardian(s) are responsible:
  - when possible for maintaining account balances and settling outstanding balances; and
  - for establishing with their child(ren) any restrictions they choose to place on use of their child(ren)'s account.

#### **Free or Reduced-Price Meals**

See Policy #3540, Free and Reduced-Price Lunch Policy; School Board policies are available online through the School District's website or by contacting the Superintendent's Office at (603) 279 – 7947.

**Administration***Elementary, Middle and High School Students*

- Notices of low or balances owed will be sent to parents/guardians.
- When a student's account reaches a negative balance, the student shall still receive a school breakfast and/or lunch which will be charged to the student's account.

**Negative Balances**

- Parents/guardians shall be notified by either letter, email, phone, online payment system, or School District notification system stating that the student's meal account balance is negative and will be asked to resolve the debt and replenish the student's meal account either by cash, check or through the School District student meal account online payment system.
- Included in communication regarding negative balances will be contact information for the School Principal and District Business Administrator and with an offer of assistance to the family.
- It is the hope that by working together, the food service contractor, School District and parents/guardians' negative debts can be resolved in a positive manner. If the negative debt balance is not resolved, the parents/guardians may be requested to meet with School District administration to resolve the matter. If there is no attempt to resolve the negative debt balance and/or seek assistance, the School District may take further action, including legal action.
- All accounts must be settled at the end of the school year. If any account has a negative balance on July 1, the School District may take legal action.

**Checks Returned for Non-Sufficient Funds (NSF)**

- When a check is returned to the School District for NSF, a notification will be sent to inform the parents/guardians from the District Business Office.
- Payment for the NSF check must be in the form of cash, cashier's check, or money order.
- Payment must be received within ten (10) days of the date of the letter.
- A NSF fee will be incurred and will be included in the notification from the food service contractor. The NSF fee and the amount of the check will be deducted from the student's lunch account upon notice from the bank and the above-mentioned rules will take effect.

**Staff Policy/Training**

- Annually a copy of this Policy and associated training will be provided to all Food Service and School Staff responsible for serving meals and enforcing this Policy.
- New staff with these responsibilities shall be provided with a written copy of the Policy and associated training during their initial training or orientation.
- In accordance with federal requirements, a record of receipt of the Policy and associated training will be maintained by the Food Service Contractor.

**Student with Special Dietary Needs**

Nothing in this policy prohibits providing an appropriate meal to a student with special dietary needs such as, but not limited to, diabetes, provided these needs have been documented in a health plan, Section 504, or Individual Education Plan. If the meal is medically required, and the student has a balance owed on the student's meal account or does not have cash to purchase the meal, the necessary dietary needs will be met.

To request meal accommodations for students whose dietary needs qualify them for accommodation under law or to file a school meal program please contact your child's School Nurse.



**Non-Discrimination**

See Policy #1161, Non-Discrimination Policy Statement (All Individuals); School Board policies are available online through the School District's website or by contacting the Superintendent's Office at (603) 279 – 7947.

**Complaints Regarding School Lunch Program**

- Complaints regarding the School Lunch Program should be directed to SAU #2 Assistant Superintendent by contacting (603) 279 - 7947
- To file a program complaint of discrimination with the USDA, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:
  1. mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW, Washington,  
D.C. 20250-9410;
  2. fax: (202) 690-7442; or
  3. email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

**Positive Balance at the Time of Departure**

Any funds under \$5.00 remaining in a student's account after their departure from the school will be returned to the District, unless otherwise requested within thirty (30) days of the student's departure.

Any funds \$5.00 or over remaining in a student's account after their departure from the school will be reimbursed to the student's parent/guardian (if student is under eighteen) within thirty (30) days.

***Legal Reference:***

*15 USC. § 1692-1695 federal Fair Debt Collection Practices Act (FDCPA)*

*42 USC. 1758(b)(6), Use or disclosure of information*

*Civil Rights Act of 1964 & 7 C.F.R. Part 15, Subpart A & B*

*2 C.F.R. §200.426*

*7 C.F.R §210.09*

*7 C.F.R §210.10*

*7 C.F.R §210.15*

*7 C.F.R. §245.5*

*USDA SP 46-2016- No later than July 1, 2017, all SFA's operating the Federal school meal program are required to have a written meal charge policy.*

*USDA Guidance SP37-2016: Meaningful Access for Persons with Limited English Proficiency (LEP) in the School Meal Programs*

*RSA 189:11-a*

*RSA 358-C, New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act; NH Dept. of Education Technical Advisory- Food and Nutrition Programs*

Adopted: 11/06/18  
Amended: 11/05/24  
PRC: 01/07/25