



# **Mascoma Valley Regional High School Student Handbook 2026-2027**

**School Address:**

Mascoma Valley Regional High School  
27 Royal Road  
Canaan, NH 03741

**School Phone:** (603) 632-4308

**School Fax** (603) 632-5419

Mascoma Inspires! Build the path you want to take.

## **MASCOMA VALLEY REGIONAL HIGH SCHOOL ADMINISTRATIVE STAFF**

Principal: Tina Fleming

Dean of Students: Malachy Flynn

Administrative Assistant: Debbie Davis

Attendance Secretary: Kesstan Nestle

School Counselor: Stephanie Cooney

School Counselor: Eric Ramage

School Counselor: Jessica Vivian

Guidance Secretary/Registrar: Jennifer Kahn

School Nurse: Lisa Mantz, R.N.

**Mascoma Inspires! Build the path you want to take.**

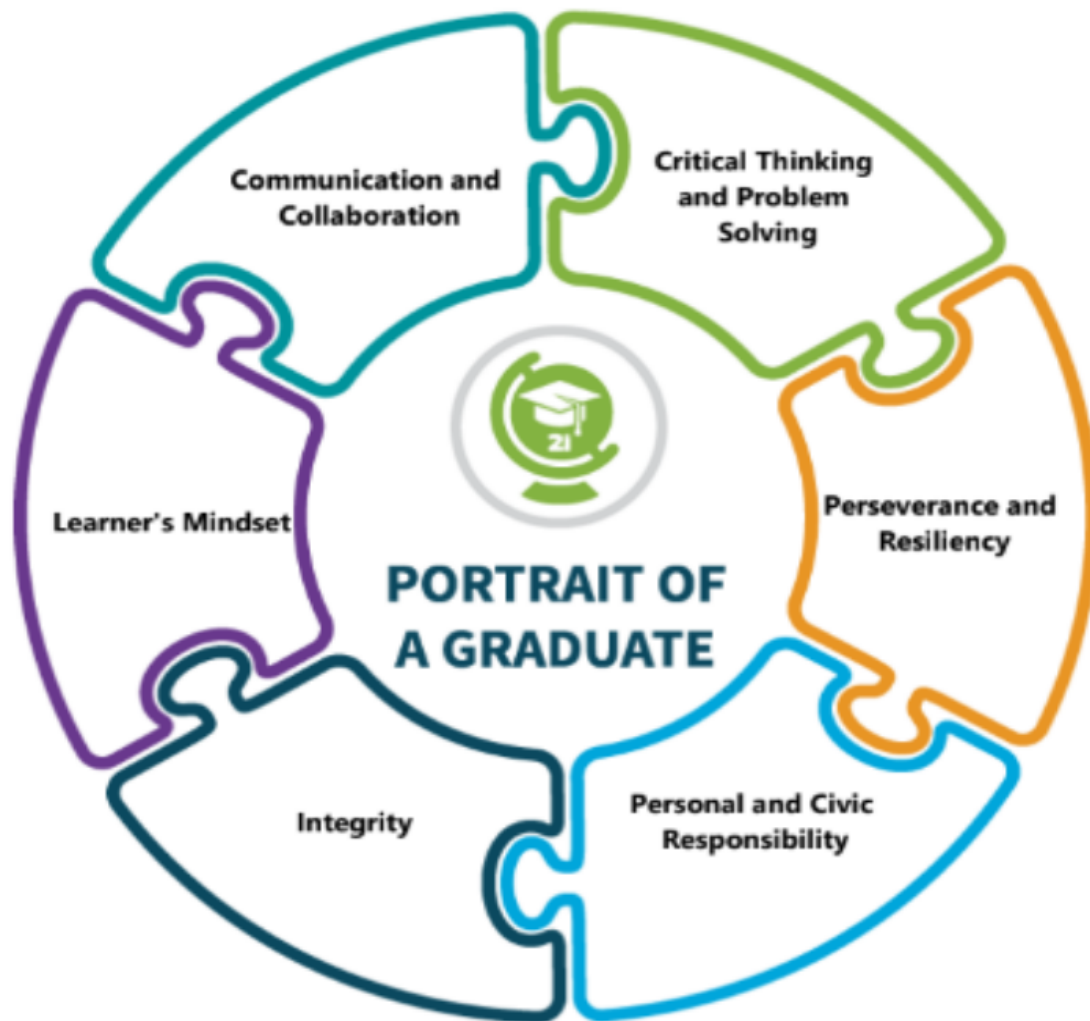
# MASCOMA VALLEY REGIONAL SCHOOL DISTRICT MISSION STATEMENT

We are a community that values creativity, curiosity and the pursuit of excellence, cultivating our strengths and interest to inspire partnerships in the district, community and the world beyond.

## MASCOMA VALLEY REGIONAL HIGH SCHOOL BELIEF STATEMENT

Mascoma Valley Regional High School strives to be a community of lifelong learners who demonstrate engagement and perseverance in academic and personal endeavors. Through a collaborative effort, the school community is responsible for fostering a safe and respectful environment that promotes a strong work ethic, intellectual curiosity, integrity, and movement toward academic excellence.

## PORTRAIT OF A GRADUATE



|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Communication and Collaboration</b>       | <p>Our students:</p> <ul style="list-style-type: none"> <li>• Articulate thoughts and ideas effectively using oral, written, and nonverbal communication skills in a variety of forms and contexts.</li> <li>• Listen effectively to decipher meaning, including knowledge, values, attitudes, and intentions.</li> <li>• Use communication for a range of purposes and audiences (e.g. to inform, instruct, motivate and persuade).</li> <li>• Honor and leverage strengths to build collective commitment and action.</li> <li>• Enrich the learning of both self and others.</li> <li>• Seek, contribute, and respond to feedback to achieve collective outcomes.</li> <li>• Elicit diverse perspectives and contributions.</li> </ul> |
| <b>Critical Thinking and Problem Solving</b> | <p>Our students:</p> <ul style="list-style-type: none"> <li>• Understand the “bigger picture” and propose solutions that are mindful of the impact they may have on other parts of a system.</li> <li>• Consistently improve the quality of one’s own thinking by skillfully analyzing, assessing, and reconstructing.</li> <li>• Applies disciplined thinking that is clear, rational, open-minded, and informed by evidence.</li> <li>• Identify, evaluate, and prioritize solutions to difficult or complex situations.</li> <li>• Implement and reflect critically on a solution.</li> </ul>                                                                                                                                          |
| <b>Perseverance and Resiliency</b>           | <p>Our students:</p> <ul style="list-style-type: none"> <li>• Believe in one’s ability to ultimately attain a defined goal</li> <li>• Persist to overcome adversity and obstacles to uncover alternate strategies to achieve goals</li> <li>• Take initiative and act with a purpose</li> <li>• Exhibit steadfastness in achieving success despite difficulty.</li> <li>• Embrace the idea that failure is a part of success and quickly pivot to keep moving forward.</li> <li>• Reflect on successes and failures as a means to refine the path moving forward.</li> </ul>                                                                                                                                                              |
| <b>Personal and Civic Responsibility</b>     | <p>Our students:</p> <ol style="list-style-type: none"> <li>I. Act honestly and demonstrate care for the interests of the larger community and greater good.</li> <li>II. Honor commitments and own the outcomes, whether positive or negative.</li> <li>III. Value and embrace diversity and unique perspectives through mutual respect and open dialogue.</li> <li>IV. Demonstrate personal, civic, social, local, and global responsibility through ethical and empathetic behaviors.</li> <li>V. Know how to make appropriate personal economic choices and understand the role of the economy in society.</li> <li>VI. Contribute and take action to make the world a better place.</li> </ol>                                       |

|                          |                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Integrity</b>         | Our students: <ul style="list-style-type: none"> <li>• Adhere consistently to a set of core values that are evident in choices and behaviors.</li> <li>• Earn others trust and respect through honest, principled behaviors.</li> </ul>                                                                                                                 |
| <b>Learner's Mindset</b> | Our students: <ul style="list-style-type: none"> <li>• Embrace curiosity to experience new ideas.</li> <li>• Possess the desire to learn, unlearn, and relearn.</li> <li>• Find and maximize opportunities to actively listen and elicit diverse perspectives from others.</li> <li>• Develop positive attitudes and beliefs about learning.</li> </ul> |

## **MASCOMA VALLEY REGIONAL HIGH SCHOOL TWENTY FIRST CENTURY SKILLS**

Mascoma Valley Regional High School has a set of measurable 21<sup>st</sup> Century Learning Skills based on our Core Values Belief Statement. In order for students to become knowledgeable, productive members of society, they must be able to Communicate Appropriately, Think Critically and Solve Problems Efficiently, Utilize Technology Productively, Collaborate Effectively, and Demonstrate Responsible Citizenship.

### **APPROVAL & ACCREDITATION STATEMENT**

Mascoma Valley Regional High School is fully approved by the New Hampshire Department of Education. Additionally, Mascoma Valley Regional High School is accredited by the New England Association of Schools and Colleges, Inc., a non-governmental, private organization.

## **TABLE OF CONTENTS -**

[MASCOMA VALLEY REGIONAL SCHOOL DISTRICT MISSION STATEMENT](#)

[PORTRAIT OF A GRADUATE](#)

[MASCOMA VALLEY REGIONAL HIGH SCHOOL TWENTY FIRST CENTURY SKILLS](#)

[SCHOOL CALENDAR 2026-2027](#)

[Bell Schedule](#)

[ACADEMIC SERVICES](#)

[Course Selection Process](#)

[Student Course Load](#)

[Course Withdrawals](#)

[Grading Procedure](#)

[Student Achievement for Grades](#)

[Philosophy of Homework](#)

[Plagiarism/Cheating](#)

[Academic Honors and Honor Roll](#)

[National Honor Society](#)

[Commencement](#)

[Alternative Course Credit](#)

[Hartford Area Career and Technology Center](#)

[LIBRARY and MEDIA PROGRAM](#)

[RESPONSIBLE USE of TECHNOLOGY PROCEDURES](#)

[STUDENT SUPPORT SERVICES / NURSE DISMISSALS](#)

[School Counseling Services](#)

[ATTENDANCE, ABSENTEEISM AND TRUANCY](#)

[Absences](#)

[Dismissals](#)

[Family Vacations/Educational Opportunities](#)

[Skipping Class/Study Hall](#)

[Tardiness to Class](#)

[Tardiness to School](#)

[Truancy](#)

[JUNIOR and SENIOR PRIVILEGES](#)

[Requirements/Expectations](#)

[Loss of Privileges](#)

[AGE of MAJORITY NOTIFICATION](#)

[STUDENT DRIVERS and PARKING](#)

[Snowmobile Parking](#)

[Searches](#)

[STUDENT DRESS CODE: School Board Policy JICA](#)

[STUDENT CODE of CONDUCT](#)

[Student Rights](#)

[Student Responsibilities](#)

[Offenses & Consequences](#)

[Behavioral Referrals and Letters](#)

[PASS Room \(Positive Alternative to School Suspension\)](#)

[In School Suspension \(ISS\)](#)

[Out of School Suspension \(OSS\)](#)

[The Superintendent or Superintendent's Designee will](#)

[SCHOOL BUS RULES and CONSEQUENCES](#)

[CO-CURRICULAR, EXTRACURRICULAR ACTIVITIES, and INTERSCHOLASTIC SPORTS](#)

[Dance Regulations](#)

[Conduct](#)

[SCHOOL OPERATIONS](#)

[School Day and Activities](#)

[Café Services](#)

[School Assemblies](#)

[Inter-School Relations](#)

[Visitor to School-District Procedures](#)

[PRIVACY](#)

[STUDENT RECORDS](#)

[EVERY STUDENT SUCCEEDS ACT](#)

[APPENDIX - STUDENTS](#)

# **SCHOOL CALENDAR 2026-2027**

Dates in the following calendar may be changed if necessary to schedule makeup days, or days lost to emergency school closing, in order to meet the minimum number of student instructional days required by state law.

First Quarter Ends: Monday, November 2nd (45 days)

Second Quarter Ends: Monday, January 25th (45 Days)

Third Quarter Ends: Tuesday, April 6th (45 Days)

Year Ends: June 16th (if no snow days) (45 days)

August 17th: New Teacher Orientation

August 18th-22nd Teacher Work Days

August 20st: 9th Grade Orientation

August 26th: First Day of School

September 4th - 7th: No School/Labor Day

October 12th: No School/Columbus Day

November 11th: No School/Veterans Day

November 25th - 27th: No School/Thanksgiving

December 22nd - January 1st: Holiday Vacation

January 18th: No School/MLK Day

February 22nd - February 26th: Winter Vacation

April 19th - April 23rd: Spring Vacation

May 31st: No School/Memorial Day

June 16th: Last Day of School (if no snow days)

June 16th: Last Teacher Day (with 10 snow days)

June 19th: No School/Juneteenth

The district school calendar is available online: <https://www.mascomaschools.org>

# Bell Schedule

| MVRHS Bell Schedule 2026-2027       |                      |               |                        |                      |
|-------------------------------------|----------------------|---------------|------------------------|----------------------|
|                                     |                      |               |                        |                      |
| <b>Regular Bell</b>                 | 4 min passing 45 min |               | <b>Early Release</b>   | 3 min passing 29 min |
| 7:55                                |                      |               | 7:55                   |                      |
| 8:00 - 8:45                         | Period 1             |               | 8:00 - 8:29            | Period 1             |
| 8:49-9:33                           | Period 2             |               | 8:32 - 9:01            | Period 2             |
| 9:37-9:41                           | Advisory             |               | 9:04 - 9:33            | Period 3             |
| 9:41-10:26                          | Period 3             |               | 9:36 - 10:05           | Period 4             |
| 10:30-11:15                         | Period 4             |               | 10:08 - 10:37          | Period 6             |
| 11:19 - 11:44                       | Lunch                |               | 10:40 - 11:09          | Period 7             |
| 11:19-12:04                         | Period 5 A           |               | 11:12 - 11:41          | Period 8             |
| 12:08-12:33                         | Lunch                |               | 11:44- 12:13           | Period 5 A           |
| 11:48 - 12:33                       | Period 5 B           |               | 11:44 - 12:13          | Lunch 1              |
| 12:37 - 1:22                        | Period 6             |               | 12:15- 12:44           | Period 5 B           |
| 1:26 - 2:11                         | Period 7             |               | 12:15 - 12:44          | Lunch 2              |
| 2:15 - 3:00                         | Period 8             |               |                        |                      |
| <b>Assembly /Class meeting Bell</b> | <b>Meeting Bell</b>  |               | <b>Delayed Opening</b> |                      |
| 7:55                                |                      |               | 9:55                   |                      |
| 8:00-8:40                           | Period 1             |               | 10:00 - 10:30          | Period 1             |
| 8:44 - 9:24                         | Period 2             |               | 10:34 - 11:04          | Period 2             |
| 9:28-9:31                           | Advisory             |               | 11:08 - 11:38          | Period 3             |
| 9:31- 10:11                         | Period 3             |               | 11:42 - 12:12          | Period 5A            |
| 10:15- 10:55                        | Period 4             |               | 11:42 -12:12           | Lunch 1              |
| 10:59 - 11:39                       | Period 5 A           |               | 12:12 - 12:42          | Period 5B            |
| 10:59-11:24                         | Lunch 1              |               | 12:12 - 12:42          | Lunch 2              |
| 11:24- 12:04                        | Period 5 B\C         |               | 12:46 - 1:16           | Period 4             |
| 11:39 - 12:04                       | Lunch 2              |               | 1:20 - 1:50            | Period 6             |
| 12:08 - 12:48                       | Period 6             |               | 1:54 - 2:24            | Period 7             |
| 12:52 - 1:32                        | Period 7             |               | 2:28 - 3:00            | Period 8             |
| 1:36 - 2:16                         | Period 8             |               |                        |                      |
| 2:20 - 3:00                         | Period 9             |               |                        |                      |
| <b>WIN Bell</b>                     |                      |               |                        |                      |
| 7:55                                |                      | 12:00 - 12:42 | Period 5               |                      |
| 8:00 - 8:42                         | Period 1             | 12:15 - 12:42 | Lunch 2                |                      |
| 8:45 - 9:27                         | Period 2             | 12:45 - 1:27  | Period 6               |                      |
| 9:30 - 10:12                        | Period 3             | 1:30 - 2:12   | Period 7               |                      |
| 10:15 - 10:45                       | WIN                  | 2:15 - 3:00   | Period 8               |                      |
| 10:48 - 11:30                       | Period 4             |               |                        |                      |
| 11:33 - 12:15                       | Period 5             |               |                        |                      |
| 11:30- 11:57                        | Lunch 1              |               |                        |                      |

# ACADEMIC SERVICES

## Course Selection Process

The Mascoma Valley Regional School District is committed to maintaining a learning environment free from discrimination in its regular and vocational educational programs and activities on the basis of race, color, national origin, religion, sex, or handicap.

English language skills are not a barrier to participation in any course. Students whose primary language is other than English will be afforded the support to assist them in understanding the material. Students with concerns about their English language proficiency are encouraged to discuss these concerns with their guidance counselor.

Courses at Mascoma Valley Regional High School are not gender specific. Students are encouraged to select courses that are nontraditional to their gender. Students should develop their yearly course selections and a four-year high school plan based on their interests and developing abilities.

## Student Course Load

**Students are required to have three (3) courses.**

Students may add a course to their schedule if there is available space after consultation with a school counselor prior to the first ten (10) class meetings. **A student who adds a course after the course has begun is responsible to make up the missed course work.**

## Course Withdrawals

Withdrawal from a course is allowed during the school year under the three following circumstances:

- 1) Students must have parental consent to withdraw from chosen courses.
- 2) The principal must approve changes after the 10<sup>th</sup> class meeting.
- 3) When a student cannot achieve a passing grade for the year, the classroom teacher or an administrator may initiate a withdrawal. The grade on the report card will be reflected as WF (withdrawn with a failing grade)

## Grading Procedure

Report cards will be available through ALMA about one week after each term ends. Progress reports will be available to students and parents through ALMA at the mid-term of each quarter. If final exams are administered, the grade on that exam will be used in the calculation of the last term's grade. The course grade will be the average of the terms.

## Student Achievement for Grades

|           |          |          |          |
|-----------|----------|----------|----------|
| A+ 97-100 | B+ 87-89 | C+ 77-79 | D+ 67-69 |
| A 93-96   | B 83-86  | C 73-76  | D 63-66  |
| A- 90-92  | B- 80-82 | C- 70-72 | D- 60-62 |

An **incomplete grade** is used when prolonged illness, excused absence, or other circumstances that the instructor approves, prevents that student from completing assigned work by the end of the marking period. All incomplete grades must be made up within ten (10) school days after grades close unless prior administrative approval is granted. Incomplete grades in the fourth marking period must have the approval of administration. It is the student's responsibility to close out incomplete grades within the allotted time.

## Student Rights

- 1) To receive teachers' grading criteria at the beginning of each course.

- 2) To be notified of failure, or potential failure, prior to the end of the grading period with sufficient time to take corrective action. This may not be an option when a student is taking a final or midterm.

### **Student Responsibilities**

- 1) Know the grading criteria of each course.
- 2) Maintain standards of academic performance and to make every effort to improve performance upon receipt of notification of unsatisfactory progress.
- 3) After an excused absence, make arrangements to complete missed work within a period of time equal to one additional day for each day out
- 4) Check grades weekly on ALMA to stay up to date

## **Philosophy of Homework**

The faculty and administration believe that homework is an important part of almost every course of study and that completion of assignments is a high priority for each student. The following list outlines the areas of responsibility and overall expectations regarding homework at Mascoma Valley Regional High School.

### **Student Responsibilities**

- 1) Plan to spend an average of 1.5 to 3 hours per night of total homework and study.
- 2) Ask for clarification if assignments are not clear.
- 3) Check Google Classroom and ALMA for assignments.
- 4) Make note and keep track of due dates of daily and long-term assignments.

### **Teacher Responsibilities**

Provide homework assignments that are clear, specific, and geared to the maturity, various abilities, and achievement levels of the students.

### **Parent/ Guardian Responsibilities**

- 1) Establish routines and expectations for completing assignments and studying at home.
- 2) View Google Classroom and ALMA with your student for details regarding assignments and missing work.
- 3) Contact the student's teachers or counselor regarding concerns about homework.

## **Plagiarism/Cheating**

Students who engage in plagiarism and/or cheating either by their acts, or assistance to others, will receive NO CREDIT for the entirety of the academic assignment or assessment.

## **Academic Honors and Honor Roll**

At Mascoma Valley Regional High School, individual academic recognition can be earned quarterly and at commencement based on grade point average (G.P.A.). Academic Honors can be earned for three levels of performance provided there is no grade less than a C- in any course.

|                |                                       |
|----------------|---------------------------------------|
| Highest Honors | 3.8 or higher G.P.A. for that quarter |
| High Honors    | 3.3-3.79 G.P.A. for that quarter      |
| Honors         | 3.0-3.29 G.P.A. for that quarter      |

Grade Point Average can be figured by using the chart below:

Letter Grade = G.P.A.

|         |         |         |         |     |
|---------|---------|---------|---------|-----|
| A+ 4.33 | B+ 3.33 | C+ 2.33 | D+ 1.33 | F 0 |
| A 4.00  | B 3.00  | C 2.00  | D 1.00  |     |
| A- 3.67 | B- 2.67 | C- 1.67 | D- .67  |     |

Seniors with a 3.0 G.P.A will receive a gold tassel for graduation.

Seniors with a 3.5 G.P.A. will receive a gold tassel and a gold stole.

The student in the senior class with the highest grade point average at the end of the third term before graduation will be identified as the valedictorian and the student with the second highest grade point average will be the salutatorian. Any senior being considered for either must have spent two (2) full semesters at Mascoma Valley Regional High School prior to the midpoint of the individual's graduation year. If there is a tie, there will be co-valedictorian or co-salutatorian.

## National Honor Society

The Mascoma Valley Chapter of the National Honor Society recognizes students who reflect outstanding accomplishments in the areas of scholarship, character, leadership and service.

### Eligibility

- 1) All national Honor Society members must have and maintain a 3.33 grade point average. In addition, students must be taking courses at grade level or above for more than 50% of their core classes.
- 2) Students who meet the criteria outlined above, are invited to apply for acceptance to the Honor Society in August of each school year.
- 3) Final selection of membership to the National Honor Society will be determined by the National Honor Society Faculty Council based on the guidelines in the application packet. For more specific information or questions students should contact the National Honor Society Advisor. Ms. Tessier, the NHS advisor, can be reached by email at [atessier@mvrhsd.org](mailto:atessier@mvrhsd.org).

## Commencement

Students who have completed all graduation requirements at Mascoma Valley Regional High School on or before the date of commencement may participate in the commencement ceremony but are not required to do so. Students who have not completed all graduation requirements may not participate in the commencement ceremony.

If the requirements for graduation have not been met on or before the commencement ceremony and required credits are completed in the summer or fall to follow, the student will be invited to participate in the commencement ceremony the following year. All student accounts must be paid off and all materials returned or the diploma may be withheld.

## Alternative Course Credit

*(Mascoma School Board Policy IHBI Alternative Learning Plans, & IHBH Extended Learning Plans)*

A student may earn high school credit by completing a school approved, alternative learning program. An alternative course credit may be related to or outside the school's program of studies, but must relate to the educational goals of the high school. *Alternative forms of learning include, but are not limited to:*

A course offered through Distance Learning via computer

An independent study course

A correspondence course

A college or technical school course

A course taken during the summer

Proposals for alternative credit must be reviewed and preapproved by the student, parent, guidance counselor, a mentor, the principal and the superintendent.

## Hartford Area Career and Technology Center

Incoming junior and senior students in the Upper Valley regional high schools are eligible to apply for admission to the programs offered at the Hartford Area Career and Technology Center. These programs occupy 138 minutes of instructional time daily and carry three credits per year towards high school graduation requirements.

### HACTC Transportation

Bus transportation is provided for all students who attend HACTC. All students are required to use the bus unless individual permission is given daily. Failure to use the bus or driving private vehicles without permission will result in suspension and future requests to drive will be denied. No riders are allowed. Allowing riders will result in the same consequence being applied for both the driver and the rider.

HACTC and Mascoma High School have different attendance policies. If a suspension is earned at either school, the student is suspended from both sites for the length of the suspension.

# **LIBRARY and MEDIA PROGRAM**

The Mascoma Valley Regional High School Library-Media Center will be open to faculty and students from 7:30 AM to 4:00 PM, Monday through Friday.

## **The Program**

*(Excerpt from Mascoma School Board Policy IJL )*

The Mascoma Valley Regional School Board believes that a school library program is essential to educational development. Thus, the School Board adopts the following Mission Statement and Goals for the library and media center program. Materials for school classrooms and school libraries shall be initially selected by the appropriate personnel in consultation with administration and faculty. The ultimate decision on acquisitions shall rest with the Board.

**Mission Statement:** The mission of the library media program is to ensure that students and staff are effective users of ideas and information.

**Shared Foundations from the AASL:**

- **Inquire**
- **Include**
- **Collaborate**
- **Curate**
- **Explore**
- **Engage**

In addition, the Board adopts as part of the library and media center program the KEC-R & KEC-F - Public Complaints about Instructional or Library Materials Procedure and Form.

## **Overview**

The Library-Media Center provides a relaxed environment for study, research, reading, or catching up on the daily news and weather on the TV cable networks. The library loans all fiction and nonfiction books for three weeks. The most current magazines are kept in the library, while older issues may be checked out for two weeks. Reference materials may be signed out for overnight use. All library materials and equipment must be signed out at the circulation desk. A student should return or renew all overdue material before checking out new items. Students are responsible for any materials checked out and will be charged for lost, missing, not returned or damaged items.

Sometimes, it may become necessary to limit the number of visitors for a particular period. If a class is expected in the library, the size of the class and purpose of the visit will determine how many study hall openings are available.

## **Student Expectations**

1. Students are required to show respect to each other and to the school librarian or staff.
2. The level of noise in the library should not exceed normal conversational volume and should not make it difficult for students or staff to do their work.
3. There is no eating allowed in the library. Water bottles are allowed.
4. Students coming to the Library-Media Center instead of going to study hall are expected to sign in at the beginning of the period and are generally expected to stay in the Library-Media Center until the end of the period.
5. Any student whose behavior inhibits another student from working may be asked to leave the Library-Media Center.
6. All school rules apply in the Library-Media Center.

Library-Media Center privileges may be suspended for up to one month for inappropriate behavior, breaking Library-Media Center rules or school rules.

## **RESPONSIBLE USE of TECHNOLOGY PROCEDURES**

Mascoma Valley Regional High School offers computer access to a local area network (LAN) and to the Internet. Users are instructed to use these computer networks for educational purposes. Faculty and staff are instructed to be vigilant about enforcing appropriate computer use and it is expected that computer users will adhere to the highest ethical standards.

Prior to authorized use, all computer users are required to sign a contract stating that they will follow the Mascoma Valley Regional School District Responsible Use of Technology Procedures and Digital Citizenship Expectations. This agreement spells out in detail our expectations for ethical and proper use of the networks and must be signed by each user wishing to use the schools' computers. If a student is under the age of 18, it must also be signed by a parent/guardian.

Students are expected to take proper care of their school-issued Chromebook. Any damage to the device may result in charges to the student's family. Costs for replacement parts typically range from \$25-\$80, depending on the extent of the damage. If a Chromebook is damaged beyond repair or lost, families will be responsible for the full replacement cost of \$450.

Families will receive a bill from the SAU Office for any assessed damages or replacement costs.

## **STUDENT SUPPORT SERVICES / NURSE DISMISSALS**

### **School Counseling Services**

School counseling services are available to every student at Mascoma Valley Regional High School. These services include assistance with educational planning, career and college information, study help, and help with home, school, and personal concerns. To see a counselor, please arrange an appointment with the Guidance secretary.

### **Student and Teacher Conferences**

If a student and/or teacher finds that extra academic help is needed, an after-school conference may be scheduled. Teachers will contact (by phone or note) parents/guardians when initiating extra help sessions.

### **Parent/Guardian and Teacher Conferences**

Teachers are available for individual conferences. Conferences may be arranged by parents/guardians preferably through a written note requesting an appointment. The teacher will verify the appointment through contact with the parent/guardian. Parents/guardians are encouraged to contact the school counseling office to make necessary arrangements for evaluating student progress on a more involved scale.

### **School Nurse**

The School Nurse will help determine whether a student should stay in school if s/he becomes ill during the day. If the decision is to send the student home a parent/guardian will be contacted. In the event that a parent/guardian cannot be reached, the student will remain in the nurse's office. If medical attention is required by the Nurse, a parent/guardian will be informed. Students are to contact a parent/guardian regarding sickness only by using the nurse's phone with permission from the Nurse. Students cannot leave school unless a parent/guardian speaks to the Nurse or an Administrator.

"All injuries or illnesses occurring during the school day are to be reported to the school nurse or the building principal. Students attending school during the extended day, night, or summer school programs, or any other time when the school nurse is not in the building, are to notify parents/guardians before a student who is injured or ill is permitted to go home. Students will not be allowed to leave school without first notifying either the school nurse or principal of his/her injury or illness. Additionally, parent/guardian notification and authorization is necessary before any student will be released from school due to injury or illness." **School Board Policy JLC Student Health Services**

All medications, both prescription and nonprescription, must be stored and administered by the Nurse. Written permission to take the medicine in school and a copy of the prescription from the physician must be on file annually with the School Nurse prior to the use of any medication. **Students may not share medications with other students.** If a student has an allergy or medical condition which requires a rescue medication (i.e. epinephrine, Benadryl, inhaler, etc.) a medical management plan completed by a parent and licensed provider must be created and brought to the school. A student may carry a rescue medication with documented permission from a licensed provider and parent.

### **Additional Student Support Services Available:**

- School Counselors
- School Social Worker
- School Resource Officer
- Title IX Officer

**Reach out and connect with someone who knows how to help. At Mascoma Valley Regional High School, contact any one of the following faculty members:**

- Lyndsay Porreca-Social Worker
- Stephanie Cooney- School Counselor
- Jessica Vivian- School Counselor
- Eric Ramage- School Counselor

- Lisa Mantz- School Nurse

#### **In the Mascoma Valley Region**

- West Central Behavioral Health 1-800-564-2578
- Teen Headrest-(603) 448-4400

## **ATTENDANCE, ABSENTEEISM AND TRUANCY**

State law requires that every person between the ages of six (6) and eighteen (18) must attend school every day. Students with excessive absences may be placed on an attendance contract or charged with truancy. Students who are not in attendance for more than half the day may not participate in extracurricular activities that day, including but not limited to **Drivers Education** and **Sports**.

***\*\*Any student who is entering/leaving school grounds after 8:00 a.m. or before 3:00 p.m. is required to sign in/out at the Front Office.\*\****

### **Absences**

The Mascoma Valley Regional School Board requires that school-aged children enrolled in the district attend school in accordance with all applicable state laws and Board policies. The educational program offered by the district is predicated upon the presence of the student and requires continuity of instruction and classroom participation in order for students to achieve academic standards and consistent educational progress.

Attendance shall be required of all students enrolled in the district during the days and hours that school is in session, except that the principal may excuse a student for temporary absences when receiving satisfactory evidence of conditions or reasons that may reasonably cause the student's absence.

The Board considers the following to be excused absences:

1. Illness
2. Recovery from an accident
3. Required court attendance
4. Medical and dental appointments
5. Death in the immediate family
6. Observation or celebration of a bona fide religious holiday
7. Such other good cause as may be acceptable to the principal or permitted by law

Any absence that has not been excused for any of these reasons will be considered an unexcused absence.

In the event of an illness, parents must call the school and inform the Mascoma Valley Regional School District of the student's illness and absence. For other absences, parents must provide written notice or a written excuse that states one of these reasons for non-attendance. The principal may require parents to provide additional documentation in support of their written notice, including but not limited to doctor's notes, court documents, obituaries, or other documents supporting the claimed reason for nonattendance.

If parents wish for their child to be absent for a reason not listed above, the parent must provide a written explanation of the reason for such absence, including why the student will be absent and for how long the student will be absent. The principal will make a determination as to whether the stated reason for the student's absence constitutes good cause and will notify the parents via telephone and writing of his/her decision. If the Principal determines that good cause does not exist, the parents may request a conference with the principal to again explain the reasons for nonattendance. The principal may then reconsider his/her initial determination. However, at this juncture, the principal's decision shall be final.

### **Dismissals**

After arriving at school, students may not leave prior to completion of their last regularly scheduled class or study hall unless the school nurse or attendance secretary has properly dismissed them. Students with junior/senior privileges may leave after their last regularly scheduled class after signing out with the attendance secretary.

To be officially dismissed from school for illness or injury, a student must go to the school nurse for a dismissal note. The nurse will contact a parent/guardian or emergency contact before allowing the student to go home.

Any student under the age of eighteen (18) wanting to be dismissed from school for any reason must first present a parental/guardian note giving reasons for the dismissal and a current phone number to the attendance secretary prior to 11:00 a.m. on the day of dismissal.

Any student who is eighteen (18) years of age wanting to be dismissed from school must present a note giving reasons for the dismissal to the attendance secretary. The validity of the note shall be subject to the approval of the administrator. A student falsifying the reasons for dismissal will lose his/her privileges. All other aspects of dismissal procedures apply.

Upon returning to school from a dismissal, students must first report to the Front Office and sign in.

Students may not leave during the school day and return without prior permission and valid reasons. MVRHS is not an open campus.

## **Family Vacations/Educational Opportunities**

Generally, absences other than for illness during the school year are discouraged. The school principal or his/her designee may, however, grant special approval of absence for family vacations, provided written approval is given in advance. Parents are asked to write a note to their child's teacher at least two weeks before the trip. This advance planning will allow the teacher enough time to work with parents and the student regarding homework completion.

### **Skiping Class/Study Hall**

A student skipping class/study hall or a portion of a class/study hall will receive a referral/write up and be sent to the Office for a consequence. Students may be redirected to class, assigned to the PASS room for the remainder of the class or be assigned an In School Suspension (ISS) for the remainder of the day, or any other consequence deemed appropriate by administration. Students who skip class will receive a ZERO for any work that was missed in class and cannot make up the work. Persistent skipping of class/study hall will result in required parent/guardian conference and possible out of school (OSS) or in school suspension (ISS).

### **Tardiness to Class**

Students who miss more than fifteen (15) minutes of class may be considered absent or skipping, and the consequences for absence will apply. For the first three (3) tardies, faculty members will enforce their own classroom consequences that may include detention. Detention has priority over all other appointments including sports, employment, and driver's education.

The fourth (4<sup>th</sup>) tardy for a student in any combination of classes will result in an office referral and consequences from administration. Subsequent tardiness will result in an office referral and consequences from administration.

### **Tardiness to School**

Students who arrive at school after 8:00 a.m. must first report to the Front Office to sign in. A note written by the parent/guardian will be necessary upon the student signing in. If the reason for the tardiness is legitimate as determined by the administration, the student will receive a documented tardy slip. Three undocumented tardies will result in detention and loss of privileges. If tardiness continues, a parent/guardian conference will be scheduled.

Juniors and Seniors who do not have an assigned class that begins at 8:00 a.m. must sign in at the office upon arrival to school. Failure to sign in at the Front Office may result in a detention and/or loss of Junior/Senior privileges.

## **Truancy**

Truancy is defined as any unexcused absence from class or school. Any absence that has not been excused for any of the reasons listed above will be considered an unexcused absence.

Ten half-days of unexcused absence during a school year constitutes habitual truancy.

A half-day absence is defined as a student missing more than two hours of instructional time and less than three and one-half hours of instructional time.

Any absence of more than three and one-half hours of instructional time shall be considered a full-day absence.

The Principal or Truant Officer is hereby designated as the Mascoma Valley Regional School District employee

responsible for overseeing truancy issues.

### **Parental Involvement in Truancy Intervention**

When a student reaches habitual truancy status or is in danger of reaching habitual truancy status, the principal will send the student's parent a letter which includes:

1. A statement that the student has become or is in danger of becoming habitually truant;
2. A statement of the parent's responsibility to ensure that the student attends school; and
3. A request for a meeting between the parents and the principal to discuss the student's truancy and to develop a plan for reducing the student's truancy. An attendance contract can be found on page 64 of this handbook.

### **Absent/Late Work/Make up Procedure**

Absent Work: Students have the same number of class periods as they were absent to turn in an assignment which was due the date of their absence. Only absent work resulting from excused absences will be accepted. Students are expected to, regardless of absence, be prepared to turn in all current assignments and be up to date on all reading assignments scheduled on the calendar—no exceptions. Meaning, if you miss one class it will not mean that all subsequent assignments will be delayed a day.

## **JUNIOR and SENIOR PRIVILEGES**

### **Requirements/Expectations**

- 1) You must be an accredited Junior with a minimum of 12 credits or a Senior with a minimum of 18 credits.
- 2) Students must maintain a C average or above in all classes to maintain Junior/Senior privileges.
- 3) You must be on time for your first scheduled course.
- 4) You may not leave until your last scheduled course has ended for the day.
- 5) You may not leave campus and return during school hours without prior administrative permission and parent/guardian permission.
- 6) Loitering around the building or school grounds is not permitted.
- 7) You must attend all scheduled classes regardless of whether a substitute is covering a class.

### **Advantages**

- 1) You may arrive late as long as you are on time for your first scheduled course.
- 2) You may leave the building as soon as your last scheduled course is completed for the day.

### **Loss of Privileges**

Privileges do not entitle a student under any circumstances to wander the halls or go “just anywhere.” Students found in unauthorized areas, or who violate the above rules, may have their privileges suspended or revoked and will be expected to attend each scheduled study hall on time. Students who lose their privileges may submit a written request to the associate principal for a reinstatement review after 30 days. If privileges have been lost due to grades falling below a C average, they will be reinstated as soon as the grades are a C average or above in all classes. Students need to provide the principal or associate principal with verification of grade improvement of a C average or above in all classes for reinstatement.

## **AGE of MAJORITY NOTIFICATION**

Upon reaching the age of eighteen(18), students have the right to make certain decisions and control certain records, which they could not control prior to their eighteenth birthday.

When students act upon their rights at the “Age of Majority” the school will continue to provide the parent or guardian “educational information” unless requested not to by the student. Parent notification of a student’s decision to act upon their rights at the “Age of Majority” will be made in a timely manner.

# **STUDENT DRIVERS and PARKING**

We have plenty of parking in our student parking lot. All students who drive to school must park in the student parking lot. These spots are on a first come first served basis. Students may not park in the upper lots. These lots are for visitors and teachers. Students who violate these rules may lose their driving privileges.

## **Registration**

a) Any student wishing to drive to school and park on campus must register his/her vehicle with the Front Office. At that time the student driver will receive a registration tag. This tag must be displayed in the windshield whenever the vehicle is on campus. Registration tags are only available to students with a valid driver's license and proof of insurance. A copy of both must be on file before receiving a tag.

b) Parking in the lower lot is available to any student with a registration tag on a first come first serve basis

## **Parking and Vehicle Operation**

a) A speed limit of 5 mph has been established for driving on school property.

b) Students are to park in the lower parking lot **only**. This is the designated student parking area. Permission may be granted only by the administration to park in other areas.

c) Students cannot pick up or drop off at the IRS or MVRHS entrances. Riders are to exit and to meet in the student parking lot.

d) Students may not move their vehicles from the student parking lot to park in any other school parking area until after 4:00 p.m.

e) No parking is allowed next to the fence near the ballfields at any time.

f) Students will be allowed access to their vehicles during the school day **only with approval from administration**.

g) Students are not to sit in their vehicles or loiter in the parking lot prior to school or at the end of school.

h) Students who attend the Vocational Center in Hartford will use the school bus for transportation to and from the center. No student will be given permission to transport him/ herself to or from unless specific arrangements have been made with the administration at both schools. Violation of this policy may mean withdrawal from the Vocational Center. No student is allowed to transport other students for any reason.

i) Extreme caution and care should be exercised while driving on school property. Directions from traffic supervisors must be adhered to. All yield and stop signs must be followed. Designated traffic patterns must be followed.

j) Reckless and unsafe driving practices will not be tolerated.

k) Students will not pick up students at bus stops or other district schools.

l) Students will yield to school buses at all times on school property.

## **Consequences**

In cases of flagrant violations of rules pertaining to vehicle operation, the administration reserves the right to invoke consequences including but not limited to the revocation of privileges.

## **Snowmobile Parking**

Students with a valid OHRV or Driver's License may park snowmobiles in the designated area after registering with the school. See Mascoma Valley Regional School District JLIG

## **Searches**

### **Rights**

1. Be secure in person, papers, and effects against unreasonable searches and seizures.

2. Use school assigned lockers and desks, which are the school district's property, for keeping or maintaining articles/materials without fear of indiscriminate searches by school officials.

3. To not place, keep, or maintain any article or material in a school owned locker or desk, which shall cause disruption on school property or at any school sponsored activity.

4. To not place, keep or maintain any illegal item on your person, among your papers and effects on school property or at school sponsored activities. "Person, papers and effects" include automobile, briefcase, book-bag, pocket, purse, lunchbox, and personal property.

The right of privacy as well as freedom from unreasonable search and seizure of properties is guaranteed by the Fourth Amendment of the United States Constitution. Individual rights need to be balanced with the school's responsibility to protect the health, safety, and welfare of all students.

## **Lockers and Valuables**

Each student will be provided with a locker and combination lock at the beginning of each school year. Any alternative locks may only be used with pre-approval from administration. **The school is not responsible for valuables/ items that are lost, stolen, or vandalized. Excess cash or items of value should not be brought to school.**

Students may not write on the inside or outside of the lockers. All items need to be taped inside. All school lockers remain the property of the school district and are subject to inspection by the school administration at any time.

### **Lost and Found**

The following apparel is not to be worn at school: transparent tops, clothing with offensive, vulgar, sexual, or racist language or pictures. All tops will completely cover the mid-section and undergarments are to remain covered. Clothing that glorifies or promotes use of alcohol, drugs or tobacco is not permitted. Hats or caps are not to be worn in classrooms. Lost and found items are kept in the nurse's office and may be claimed through the nurse. Periodically, the items that are left unclaimed will be donated to the LISTEN Thrift Store.

## **STUDENT DRESS CODE: School Board Policy JICA**

The Mascoma Valley Regional School Board recognizes that student individual dress is primarily a parental responsibility that should reflect concern for health and safety of students, staff and others. When the dress of an individual student constitutes a health problem, is unsuitable for school wear, is a danger to any person, or causes a substantial and material disruption or substantial disturbance, the principal shall take appropriate action to correct the situation.

The dress code within each school shall be administered fairly, consistently, and equally to all students. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code relative to students' gender, gender identity, sexuality, race, ethnicity, household income, or body type or size. Enforcement must accommodate clothing worn by students as an expression of religious beliefs (e.g., head scarves) and worn by students with disabilities (e.g., protective helmets).

Enforcement shall not indirectly discriminate against students based on hair texture and or hairstyles, including, but not limited to, braids, locks, and twists.

Clothes must be worn in a way such that genitals, buttocks, belly buttons and nipples are covered with opaque fabric/material. Clothing must cover undergarments and undergarments cannot be worn as outerwear, District Standards:

A. Students must wear:

1. A Shirt/dress (with fabric in front, back, under the arms, with straps/sleeves and covering the mid-section);
2. Pants, skirt, leggings, shorts, etc.; and
3. Shoes.

B. Students may wear: 1. Caps, hats, and other head gear. Hats in classrooms are at the discretion of the teacher as stated in their syllabus

C. Students must not wear:

1. Tops including tube tops that do not completely cover the mid-section (belly button must be covered);
2. Hoods;
3. Clothing and accessories that have provocative features, obscene writing, or graphics are not permitted;
  - Graphics or logos that glorify/promote sex, firearms, drugs, alcohol, gangs, or tobacco, are sexually offensive, or are messages that could be interpreted as such are not permitted.
  - Graphics or logos that are hurtful or demeaning to any group, or contain any form of harassment are not permitted.

Building Principals shall assure that any District or School standards are included in the Student Handbook and otherwise communicated to students annually.

Notwithstanding District or School standards, some courses and school activities may require adjustments to attire and hairstyle or may require specific attire to ensure safety during academic activities (e.g., science labs or PE). Students who violate this policy will be given an opportunity to correct the situation by either changing the clothing, removing the clothing (if appropriate), wearing it inside-out, or other means as determined by the principal so the student is in compliance with this policy. Students who repeatedly violate this policy may face more severe, including detention, in-school suspension, or out-of-school suspension.

School staff shall not confront students on dress-code violations. Enforcement of the dress code policy will be done by an administrator in a manner that does not unnecessarily discipline or publicly shames the student. When a school administrator discusses a dress code violation with a student, it is recommended that another adult should be present and at least one of the two adults should be the same sex as the student.

# **STUDENT CODE of CONDUCT**

## **Student Rights**

- a) Students are entitled to treatment that is fair, consistent and appropriate to the infraction or offense.
- b) Students have the right to be informed of the school rules and procedures by which the school is governed and by which discipline may be exercised.
- c) Students have the right to due process in disciplinary matters.

## **Student Responsibilities**

- a) Students and parents have the responsibility to be aware of all rules and regulations for student behavior.
- b) Students have the responsibility to conduct themselves in accordance with the rules and regulations as stated in the *Mascoma Valley Regional High School Student Handbook*.
- c) Students have the responsibility to exercise rights of due process.

**The following are violations related to the High School Code of Conduct for which there are consequences.**

- 1) Academic dishonesty
- 2) Bullying and/or Harassment
- 3) Defiance and/or use of obscene manifestations(verbal, written gesture) toward a school board employee's authority
- 4) Disrespect for staff, students, or self
- 5) Disruption of the educational environment
- 6) Fighting
- 7) Forgery of a signature
- 8) Inappropriate public displays of affection
- 9) Leaving campus without permission
- 10) Skipping class
- 11) Truancy or unexcused absence
- 12) Other actions which, in the administration's judgment are contrary to good citizenship

## **Offenses & Consequences**

At Mascoma Valley Regional High School, we believe the consequences should fit the behavior. For this reason, we follow a progressive discipline model of consequences.

| <b>Level 1 and 2 Offenses</b>                                                                                                                                                                                                    | <b>Level 3 and 4 Offenses</b>                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Academic dishonesty<br>Class disruption<br>Disrespectful behavior<br>Dress code violations<br>Insubordination<br>Minor bus violations<br>Profanity<br>Truancy/ Unexcused absence<br>Repeated Insubordination<br>Skipping Classes | Harassment<br>Leaving school property without permission<br>Major bus violations<br>Sexual offenses      *Firearms/discharging firearms<br>Theft                      Forgery<br>Trespassing              Fighting<br>Unjustified activation of a fire extinguisher/fire alarm<br>And/or bomb threats Extortion<br>Assault                      Alcohol, drugs, tobacco, vape<br>Battery                      Gross insubordination |

**Any other violations the administration may deem inappropriate and in violation of the student code of conduct may also apply to either list.**

*\*See also the Dangerous Weapons Policy for definition of weapons*

### **Level 1 & 2 Consequences**

### **Level 3 & 4 Consequences**

Behavioral referrals including:

Teacher/Administrator warning  
Classroom Detentions  
Office Detentions  
Restricted pass  
Attendance letters  
PASS room referral  
Bus referral/suspension  
Counseling/Education

In School Suspension (ISS)  
Out of School Suspension (OSS)  
Report to Police  
Community service  
Report to Title IX Officer  
Restitution  
Expulsion hearing  
Bus suspension for up to one year

## **Behavioral Referrals and Letters**

Classroom teachers and administrators will issue behavioral referrals to students when they have violated the student code of conduct. Behavioral referrals are recorded in SWIS for record keeping, and to the student and parent/guardian email address on file. The referral notes the incident reported, a brief synopsis of the situation that occurred, and the consequences for the behavior. The referral is a means of parental contact and communication. In situations of In School and Out of School Suspension, a letter from the administration will be mailed home and every effort to contact a parent/guardian via phone call will be made.

### **Restricted Activity**

Restricted Activity prohibits attendance at regular or extracurricular activities for a specified period of time. Activities include school concerts, school drama performances, assemblies, dances and home athletic contests.

### **Restricted Pass**

Students may be placed on a Restricted Pass system if hall privileges are abused. A Restricted Pass means that students will have specific passes issued from the office, and the restricted pass may include a provision for an adult who will escort students through the hallways should the need for them to leave a class arise.

### **Teacher Detention**

Classroom teachers may issue a detention for inappropriate classroom behavior. Teachers issuing detentions are responsible for monitoring those students in their classroom for a period of forty-five (45) minutes (maximum) before the start of the school day or after the conclusion of the school day. The student will be given a detention notice. A student who fails to report will be referred to an administrator for disciplinary action.

### **Office Detention**

Detentions may be issued for violations for the Code of Conduct, missed teacher detentions or non-classroom actions deemed inappropriate by a staff member. Detentions will be assigned for forty five (45) minutes after school from 3:05-3:50 pm. A student who fails to report for an office detention will be referred to an administrator for further disciplinary action. The student's parent/ guardian will be contacted. Students unable to serve the assigned detention due to a medical/ dental appointment may be requested to present a note from the appointment to the appropriate administrator.

## **PASS Room (Positive Alternative to School Suspension)**

Sometimes students need a break from the classroom environment in order to calm down. In this case, students will be sent to the PASS room. Students may be assigned to the PASS room for one period, or for several periods. For example, a student may be assigned to the PASS room for one period of a class, or for three periods of that class over three days. While students are in the PASS room, they are expected to finish any work assigned for the duration of their stay. Students may be assigned to the PASS room either by the educator, an administrator, or can request time in the PASS room. This request must have both teacher and administrative approval.

## **In School Suspension (ISS)**

Students who are in school suspended will spend the duration of their suspension in the PASS room and will be provided with all the work they need from the classes they are missing. All quizzes and tests may be taken in the PASS room. Parents/guardians will be contacted if a student is to serve an in school suspension. Students who have been in an in school suspension may not attend any extra-curricular functions on the day(s) of their suspension. In School Suspensions will be from one to five days.

## **Out of School Suspension (OSS)**

The student will be temporarily removed from his/her regular school program. A student, parent/guardian and

administrator conference could be required for readmission to school. The student may make up all quizzes and tests and complete long term projects. The student has the number of days suspended from school plus one to make up all missing assignments. The student is responsible for making arrangements with his/her teachers. A student placed on Out-of-School Suspension may not come on to school property or attend any school functions for the duration of the suspension. The student must attend one full day of classes after suspension before they can participate in any extracurricular activities. Each building administrator can issue ten (10) days of out of school suspension for a total of up to ten (10) days of out of school suspension, however, they may then refer to the Superintendent of Schools for an added ten (10) days of suspension if warranted.

### **Procedure for Administration Suspension**

For disciplinary action resulting in short term suspension on ten (10) days or less in consequences, the following procedural steps shall be adhered to:

- The students will be given oral or written notice of the charges.
- If charges are denied, an explanation of the evidence school officials have and an opportunity to present other evidence will be given.
- Additional disciplinary action may be assigned for serious offenses.
- Every effort to reach a parent before the following day will be made.
- A suspension lasting from eleven(11) to twenty(20) days requires the action of the superintendent.
- A suspension lasting beyond twenty(20) days requires the action of the school board.

### **Expulsion**

The conditions for removal of the right and obligation of a student to attend a public school are set by the School Board under state law. Students may be dismissed from school by the Mascoma Valley Regional School Board for gross misconduct or for repeated neglect or refusal to conform to the reasonable rules of the school and shall not attend school until restored by the Mascoma Valley Regional School Board. Any dismissal must be subject to review if requested prior to the start of each school year and further, any parent/guardian(s) have the right to appeal any such dismissal by the local School Board to the State Board of Education.

### **Restitution**

The school board recognizes that from time to time a student may engage in behavior that results in damage and/ or specific district expense. The student will be held responsible for criminal, delinquent or other behavior in non-conformance with school rules which results in any such damage and/or expense.

### **The Superintendent or Superintendent's Designee will**

- 1) Determine expenses for which a student must make restitution.
- 2) The time and method of restitution payments or performance or restitution services.
- 3) Assure reasonable effort is made to review restitution with parent/guardian(s).
- 4) Clarify when restitution has been completed.
- 5) Restitution will be required in addition to any other disciplinary action imposed in accordance with current guidelines. Restitution, if required, may be a condition of other disciplinary action, e.g., return to school following suspension

## **SCHOOL BUS RULES and CONSEQUENCES**

For some students, the school day begins and ends on the school bus. Students are expected to follow the same code of conduct on the bus as they do during the school day. We expect that our students will respect the drivers who are transporting them to and from school, and that they will respect the rules on each and every bus they ride. Mascoma Valley Regional School District transports students from K-12 on each bus. High school students should be role models for appropriate behavior and language on the bus. Policy JICC-R

### **A. Behavioral Expectations & Rules for School Buses and Other District Provided**

#### **Transportation**

1. Students should arrive at the bus stop at least five (5) minutes before the bus is scheduled to arrive. The bus cannot wait for those who are not on time. If a student misses the bus, it is the parent/guardian's responsibility to transport the student to school.
2. Students shall wait in a safe place, clear of traffic until the bus stops, the door is open, red flashing lights are on, and the driver has directed students to get on the bus.
3. Students shall wait in an orderly line.
4. Students may cross the road or street only in front of the bus only after the bus has come to a complete stop and upon direction of the driver (10-foot minimum crossing distance).

5. Students shall go directly to an available or assigned seat when entering the bus and move in toward the window.
6. Students shall remain seated until they have reached their designated stop and the bus has come to a complete stop. Aisles and exits must be kept clear at all times and emergency door will be used for emergencies only.
7. Students shall observe normal classroom conduct and obey the driver promptly and respectfully. The driver is in complete charge of the bus and his/her decisions and requests must be followed.
8. Students shall not engage in verbal abuse and/or use abusive language to others.
9. Students may carry only objects that can be held safely on his/her own lap. Musical instruments, athletic equipment bags and the like must be placed in the area designated by the driver.
10. Students shall refrain from throwing or passing objects on, from or into buses.
11. Students shall refrain from eating and drinking on the bus.
12. Students shall respect the rights and safety of others.
13. Students may ride only the bus that they have been assigned, and students may only board or exit at their assigned stops. (Exceptions will only be made with a note from a Principal or Principal's designee.)
14. Students are prohibited from extending head, arms or objects out of the bus windows, and are not allowed to open windows without permission of the driver.
15. Only authorized riders are permitted on the bus.
16. When necessary, students will be expected to sit three passengers to a seat.
17. Students are strictly prohibited from possessing or using tobacco, alcohol, drugs, or any controlled substance. In addition to any interventions or consequences pursuant to these rules or the Student Code of Conduct. The police will be notified whenever a student is involved with the possession and/or use of alcohol, drugs, or any illegal substances.
18. Students shall not use profane language or obscene gestures, and shall make any excessive noises while on the bus.
19. Fighting, wrestling or acts of physical aggression are strictly prohibited.
20. Students shall not deface or otherwise damage the bus, the driver's or any other students belongings while on the bus. Students/Parents will be held responsible for any and all damages to the bus caused by the student by way of vandalism or other intentional or reckless conduct.
21. Students shall not carry hazardous material, nuisance items or animals onto the bus.
22. Students are prohibited from hitching rides via bumper or other parts of the bus.

#### **B. Response and Consequences for Misconduct on School Buses**

Students not adhering to the above expectations may receive consequences as described below. Any disciplinary action is at the discretion of the building principal or designee. However, when a student engages in any conduct that threatens or impacts the health or safety of students, staff or others, the Principal or Superintendent may impose more significant and immediate consequences including lengthier transportation suspensions. The following will generally apply to violations of expectations 2 through 16:

**First Referral:** will result in a letter of warning with a copy sent to the student's parents/guardians, and a copy kept on file in the School Administrator's Office and the Business Administrator.

**Second Referral:** will result in one (1) hour after school detention. Parents/guardians must be notified prior to the implementation of the detention. It becomes the parents/guardians' responsibility to transport or arrange other transportation for their children home after a detention.

**Third Referral:** will result in an immediate five (5) day suspension from District transportation to and from school. The following will generally apply to violations of expectations 17 through 22:

**First Referral:** will be an immediate five (5) day from all District transportation.

**Second Referral:** will be an immediate ten (10) day from all District transportation.

**Third Referral:** will result in the immediate suspension from all District transportation.

#### **Bus Wait at High School**

All students are required to leave the building at the end of the school day at 3:00 pm unless they are involved in extracurricular activities that meet within the building, supervised by an employee, serving a detention, or seeking the aid of a faculty member. ***\*\*While waiting for a bus or a ride home from a parent, wait outside unless the weather is inclement. \*\****

#### **Bus Wait at Elementary Schools**

Since most of the students in the district are transported by bus, it may be necessary for some senior high school students to wait at the elementary schools before and after school. These students are subject to supervision and direction by the elementary principals and their staff and are to obey all rules relative to the particular school. Problems that arise between these students and elementary students or staff will be reported to the high school administration for

corrective action.

At Canaan Elementary School, students wait inside the building. At Enfield Elementary School, students wait at the east side of the building.

If walking to one of the elementary schools, students should arrive no earlier than ten(10) minutes prior to the departure of the bus. Waiting for a later bus is strongly discouraged.

Students may wait inside during inclement weather; however, the elementary school staff will make this decision. When students are waiting inside the building, appropriate behavior will be exhibited.

Once on school grounds, students do not leave for any reason unless special permission has been received from the school administration.

## CO-CURRICULAR, EXTRACURRICULAR ACTIVITIES, and INTERSCHOLASTIC SPORTS

### Interscholastic Sports General Information

Mascoma Valley Regional High School is a Division III member of the New Hampshire Interscholastic Athletic Association, the governing body for Interscholastic Varsity and Junior Varsity sport teams.

#### The sports we participate in are:

FALL: Bass Fishing, Cross Country, Field Hockey, Football, Soccer, Volleyball

WINTER: Basketball, Indoor Track, Wrestling

SPRING: Baseball, Softball, Track & Field

### Public Attendance at Sporting Events

Students, parents, relatives and friends are encouraged to attend all sporting events. The following are guidelines for spectators:

- Students will not be allowed to leave the building after entrance unless they are leaving the school grounds for the remainder of the event.
- All food and drink must remain in the lobby area.
- Inappropriate language directed at coaches, players, or referees will not be tolerated. Any spectator using such language will be removed from the gym by the police and asked to leave the school grounds.
- The use of tobacco products is not permitted on school grounds.
- Noisemakers that affect the play of the game are prohibited, i.e. horns and/ or whistles of any type. The only exceptions are band instruments specifically for use in an organized "Pep Band" at the site. Game management officials are empowered to remove any noisemakers.

### Co-Curricular Programs: Clubs and Organizations

Mascoma Valley Regional High School offers a co-curricular program that provides opportunities for students to participate in activities that meet their interests.

The members and staff advisor of each club and organization will be responsible for generating a constitution with goals, membership regulations and electing a slate of officers annually.

**The following clubs are available for student participation:** *Clubs in bold follow NHIAA rules, regulations, and eligibility guidelines National Honor Society information can be found on page 5*

- *Art Club*
- *AV Club*
- *Book Club*
- *Drama Club*
- *Equestrian club*
- *FBLA- Future Business Leaders of America*
- *Granite State Challenge*
- *Interact Club*

- *Jazz Club*
- *Math Team*
- *Music Boosters*
- *National Honor Society*
- *Origami Club*
- *Project Grad*
- *Robotics*
- *Science Club*
- *Student Government*
- *World Language club*
- *Writers Guild*
- *Yearbook*

## **Dance Regulations**

School dances are open to the students of Mascoma Valley Regional High School. The following regulations apply:

### **Hours**

- The school Prom and Winter Carnival dance will begin no earlier than 6:00 p.m. and end no later than 11:00 p.m.
- Dances will begin no earlier than 6:00 p.m. and end no later than 11:00 p.m.

### **Admittance**

- 1) Each student may bring one guest. Students must register their guest prior to 3:00 p.m. the day before the dance. If a student wishes to bring a guest to a high school dance(i.e., Sophomore Class Dance, Winter Carnival, etc.), the guest must be enrolled in another high school. The guest must also have prior approval from the administration from both high schools in order to attend the dance.
- 2) All high school guests wishing to attend the Prom must have administration approval(see above). If a guest is not registered in high school, they must meet with the administration.
- 3) Anyone leaving the building before the close of the dance will not be allowed to re-enter, and must leave school grounds.
- 4) A student who has been absent on the day of the dance(including suspension) or was not in attendance the full day will not be admitted to the dance. Any exceptions must have prior administrative approval.

### **Chaperones**

- Police security is required from 7:15 p.m. to 11:15 p.m.
- There must be school staff members chaperoning each dance. This must include at least one male and one female

## **Conduct**

Appropriate school conduct and dress is required. Failure to follow school rules will subject you to dismissal from the dance and disciplinary action.

### **Student Sponsored Events**

Classes, clubs and student organizations are encouraged to promote and conduct programs and activities including fundraisers that are for the good of the group, the school, and the community.

All planned, student-sponsored events must be submitted in writing to the attendance secretary so they can be placed on the "official school calendar." Forms for approval are available in the Front Office. Building utilization arrangements need to be made with the athletic director.

"Fundraising Activity" forms must be completed for each fundraising activity per School Board Policy JJE & JJE-F. Forms are available in the principal's office. Certain fundraising activities are assigned to specific groups permanently. The activity may be forfeited if a group does not run or plan to run it in a given year. Examples of these are dances, food sales at games, and Valentine activities. Each organization's treasurer is responsible for working out the bookkeeping procedure with the principal and/or his/her administrative assistant.

# **SCHOOL OPERATIONS**

## **School Day and Activities**

The school day is defined as the time a student arrives on school grounds in the morning and continues until the student has finished all classes and exited the school grounds for the day. This also includes time waiting to be transported by the school bus and at bus stops. Students are not allowed to leave campus after arriving on school grounds unless parental permission has been given to the Front Office **in advance** for an appropriate dismissal. School activities are defined but not limited to the following: school sponsored events, field trips, athletic functions, and other activities where appropriate school personnel have supervision over the students.

## **Café Services**

Café Services can be reached at 603-632-5586. Café Services offers an automated point of sale system that can be accessed through mealtime.com. You may set up an online account using a credit/debit card to make deposits into your child's account. Or checks can be made out to Café Services.

### **Lunch services:**

Breakfast and lunch is available in the café beginning at 7:30am. Meal assistance programs are available through the SAU office by calling 632-5563 ext. 3004.

## **School Assemblies**

School Assemblies are used to broaden the academic and socialization experiences of the students. Parents are discouraged from dismissing their child from these activities.

## **Inter-School Relations**

Proximity of the Indian River School (grades 5-8) to the high school requires the following procedures:

- Middle and High school students should arrive at school no earlier than 7:30 a.m. Middle school students and high school students are to enter their own building immediately upon arrival at school. The common entrance grounds are not a social gathering place before school.
- Student entrance to the middle school or the high school is permitted for business during school hours if the student has a pass. Social visits or waiting for rides in the other building will not be permitted.

## **Visitor to School-District Procedures**

The public is welcome to visit the school. Visitors must sign in at the Front Office and display a visitor's pass at all times. Requests for student guests must be made by a parent/guardian in writing and received by the Front Office 24 hours in advance. Each classroom teacher and the Principal or Associate Principal must sign a "Guest Request" form before the visit will be allowed. Guests must sign in at the Front Office upon arrival to receive a guest pass that must be displayed at all times.

### **End of Year Class Events and Trips**

*(School Board Policy JJB (4/22/25))*

The Mascoma Valley Regional School Board is committed to total inclusion of the student body class events and trips, except for reasons supported by school policy or guidelines, e.g., discipline. Accordingly, class events and trips should be planned accordingly to these specific guidelines:

1. Students and parents are not asked to identify if they can or cannot afford a specific cost,
2. Funds raised should allow for parent donations, but no specific cost contribution requirement per student,
3. Affordable, creative options should be considered,
4. Fundraising or financing should be planned enough in advance so the class knows their available funds for planning.

## **PRIVACY**

The district designates the following items as Directory Information: Student name, town of residence, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended and photograph. The district may disclose any of those items without prior written consent, unless notified in writing to the contrary. The full School Board Policy can be found on the district website. (policy JRA)

# **STUDENT RECORDS**

Student records are to be treated confidentially and should contain information that is relevant, accurate and appropriate. Parents/guardians or eligible students(18 years of age or attending a postsecondary institution) have the right to inspect, review and challenge the information contained in records directly relating to the student.

Students have the right to be protected by legal provisions, which prohibit the release of personal identifiable information to other than legally authorized persons without consent of the parent/guardian or eligible students. Parent/guardian or eligible students have the responsibility to inform the school of any information that may be useful in making appropriate educational decisions. Parent/guardian or eligible students have the responsibility to authorize the release of pertinent information to those individuals or agencies that are working actively and constructively for the benefit of the student.

## **EVERY STUDENT SUCCEEDS ACT**

### **Military & College Recruitment**

The Every Student Succeeds Act is a federal law which requires all names, addresses and telephone numbers of secondary school students be provided to military recruiters and higher learning institutions who request this information. However, the law also allows the student or parent to request that this information not be released and requires us to comply with such a request.

### **Details**

Access to student recruiting information. Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act and except as provided in paragraph (2), each local educational agency receiving assistance under this Act shall provide on a request made by the military recruiters or an institution of higher education, access to secondary school student names, addresses and telephone listings.

Consent: A secondary school student or the parent of the student may request that the student's name, address and telephone listing described in paragraph(1) not be released without prior written parental/ guardian consent and the local educational agency or private school shall notify parents of the option to make a request and shall comply with any request. Same access to students. Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students. **If you object to the school releasing this information to institutions of higher education or military recruiters please fill out the form located on the high school's website and return it to the Guidance Office secretary.**

# APPENDIX - STUDENTS

## List of Policies Included:

- I. **AB** – New Hampshire Parental Rights Bill of Rights (9/9/25)
- II. **AC** – Non-Discrimination, Equal Opportunity Employment and Anti-Discrimination Plan (2/25/25)
- III. **AC-R(2)** – Non-Discrimination, Equal Opportunity Employment and Anti-Discrimination – Annual Notice of Contact Information (2/25/25)
- IV. **ACAC** – Prohibition of Sexual Harassment: Policy and Grievance Procedures (2/25/25)
- V. **ACAC-R** – Title IX Sexual Harassment Grievance Procedures (9/22/20)
- VI. **ADC/GBED/JICG** – Prohibitions Regarding Use and Possession of Tobacco Products, E-Cigarettes and E-Liquids in and on School Facilities and Grounds (8/13/24)
- VII. **ECAF** – Audio and Video Surveillance on School Buses (2/22/22)
- VIII. **EF** - Food Service Management (1/22/19)
- IX. **EFA** – Availability and Distribution of Healthy Foods (11/1/18)
- X. **EFAA** – Meal Charging (8/27/19)
- XI. **GBEBB** – Employee-Student Relations (1/13/26)
- XII. **GBEC/ADB** – Drug-Free Workplace & Drug-Free Schools (8/13/24)
- XIII. **IGDJ** - Interscholastic and Intramural Sports (2/16/17)
- XIV. **IKE** – Promotion and Retention of Students (2/9/21)
- XV. **JH** - Attendance, Absenteeism and Truancy (12/4/18)
- XVI. **JH-R2** - MVRSD Attendance Contract (11/15/18)
- XVII. **JI** – Student Rights and Responsibilities (10/22/24)
- XVIII. **JIC** – Student Conduct (8/12/25)
- XIX. **JICA** – Student Dress Code (3/21/23)
- XX. **JICC** – Student Conduct on School Buses (2/22/22)
- XXI. **JICC-R** – School Bus Conduct Rules (12/13/22)
- XXII. **JICD** – Student Discipline & Due Process (11/12/24)
- XXIII. **JICD-R** – Safe School Zones Memorandum of Understanding (4/27/21)
- XXIV. **JICDD** – Student Discipline/Out of School Actions (11/10/20)
- XXV. **JICFA** – Hazing (2/9/21)
- XXVI. **JICH** – Drug and Alcohol Use by Students (5/28/19)
- XXVII. **JICI** - Weapons on School Property (5/12/15)
- XXVIII. **JICJ** – Unauthorized Communication Devices (9/9/25)
- XXIX. **JICK** – Bullying Prevention - Pupil Safety and Violence Prevention (1/13/26)
- XXX. **JKAA** – Use of Restraints and Seclusion (10/22/24)
- XXXI. **JLCF** - Wellness (10/28/25)
- XXXII. **JLCJ** - Concussions and Head Injuries (1/26/21)
- XXXIII. **JLDBB** – Suicide Prevention and Response (10/8/24)
- XXXIV. **JLDBB-R** – Suicide Prevention Procedures (10/21/24) – See Website
- XXXV. **JLF** – Reporting Child Abuse or Neglect (12/10/24)
- XXXVI. **JRA** – Student Records & Access - FERPA (4/22/25)

## **AB - NEW HAMPSHIRE PARENTAL BILL OF RIGHTS**

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

#### **A. New Hampshire Parental Bill of Rights**

- A. All parental rights are reserved to the parents of a minor child in this state without obstruction or interference from any school. These rights include, but are not limited to, the right:
- a. To direct the upbringing and the moral or religious training.
  - b. To direct the education, including the right to choose to enroll the minor child in an assigned resident public school, a public charter school, a non-public school, including a religious school, a home education program, or any other state-based education program, as authorized by law, as an alternative to public education, as set forth in RSA 193:1 and RSA 194-F:1, et seq.
  - c. To request that a minor child be enrolled in a public school other than the public school assigned to them by their residence to avoid a manifest educational hardship, as set forth in RSA 193:3.
  - d. To enroll his or her minor child in gifted or special education programs if the child qualifies for such programs.
  - e. To inquire of the school or school personnel and promptly receive accurate, truthful, and complete disclosure regarding any and all matters related to their minor child, unless an immediate answer cannot be provided when the initial request is made, in which case, the answer shall be provided no later than 10 business days after the request.
  - f. To be informed of the school's policy regarding discipline policies and procedures, as set forth in RSA 193:13.
  - g. To obtain access for a minor child to public curricular courses and co-curricular programs offered by the local school district where the student resides while choosing to enroll their child in a non-public, public chartered, home education, or any other state-based education program, as set forth in RSA 193:1-c and RSA 194-F:2, II(d).
  - h. To inspect any instructional material used as part of the educational curriculum within a reasonable period following a request, as set forth in 20 U.S.C. section 1232h(c)(1)(C).
  - i. To opt out of health or sex education and any other objectionable material, as set forth in RSA 186:11, IX-b and IX-c.
  - j. To be advised of and have the right to opt the minor child out of any nonacademic survey or questionnaire.

- k. To opt out of any district-level data collection relating to his or her minor child not required by federal or state law.
- l. To exempt their public-school minor child from participating in required statewide assessments in English, language arts, mathematics, and/or science, as set forth in RSA 193-C:6.
- m. To receive information regarding the level of achievement and academic growth of their minor child in the state academic assessments in English, language arts, mathematics, and/or science, as set forth in the Every Student Succeeds Act, 20 U.S.C. section 1112 (e)(1)(B)(i).
- n. To receive a school report card and be informed of his or her minor child's attendance requirements and compliance with such requirements.
- o. To access and review all education records relating to their minor child within 10 business days after the day the school receives a request for access, as set forth in RSA 189:66, IV and 34 C.F.R. 99.5.
- p. To consent in writing before the state or any of its political subdivisions, including, without limitation, any school pursuant also to the provisions of RSA 189:68, III-V, makes a video or voice recording, unless such recording is made during or as part of a court proceeding or part of a forensic interview in a criminal or other investigation by the bureau of child protective services or it is to be used solely for the purpose of a safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles.
- q. To be notified whenever seclusion or restraint has been used on their minor child as set forth in RSA 126-U:7.
- r. To access and review all medical records of their minor child maintained by a school or school personnel, unless otherwise prohibited by law.
- s. To exempt their minor child from immunizations if, in the opinion of a physician, the immunization is detrimental to the child's health or because of religious beliefs, as set forth in RSA 141-C:20-a and RSA 141-C:20-c.

II. Federal law provides for additional parent and family involvement for schools that are receiving Title I, Part A; Title I, Part C (migrant); Title III, Part A (EL) funds, including:

- A. The right to receive information, including student reports, in an understandable and uniform format and to the extent practicable, in a language that parents can understand, as set forth in 20 U.S.C. sections 1112(e)(4); 1114(b)(4); 1116(e)(5); and 1116(f).
- B. Upon request of the parent, the right to receive information regarding state qualifications of the student's classroom teachers and paraprofessionals providing services to their minor child, as set forth in 20 U.S.C. section 1112(e)(1)(A)(i-ii).
- C. The right to receive an annual local educational agency report card that includes information on such agency as a whole and each school served by the agency, as set forth in 20 U.S.C. section 1111(h)(2)(A-B)(i-iii).

## **B. Dissemination**

Pursuant to RSA 189-B:5, II, the Board directs that the Superintendent cause a **complete copy of Section A** (the Parental Bill of Rights) of this policy to be published:

1. Each year in the School District's annual report each year;
2. Permanently on the District's website; and
3. Each year in every student and employee handbook.

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

#### **NH Statutes**

RSA 126-U

RSA 141-C:20-a

RSA 141-C:20-c

RSA 186:11, IX-b

RSA 186:11, IX-c

RSA 186:11, IX-d

RSA 186:11, IX-e

RSA 189:66

RSA 189:67

RSA 189:68

RSA 193:1

RSA 193:13

RSA 193:3

#### **Description**

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

[Immunization](#)

[Exemptions](#)

[Health and Sex Education](#)

[Objectionable Course Material](#)

[Duties of State Board of Education](#)

[Notice to Parents/Guardian Required](#)

[Data Inventory and Policies Publication](#)

[Limits on Disclosure of Information](#)

[Student Privacy](#)

[Duty of Parent; Compulsory Attendance by Pupil](#)

[Suspension and Expulsion of Pupils](#)

[Change of School or Assignment, Manifest Educational](#)

[Hardship or Best Interest, Excusing Attendance](#)

#### **Federal Regulations**

34 CFR. Part 99

#### **Description**

[Family Educational Rights and Privacy Act Regulations](#)

#### **Federal Statutes**

20 U.S.C. § 1232h

#### **Description**

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

#### **Cross References**

#### **Code**

ECAF

EEAA

IGE

IHAM

IHAM-R(1)

#### **Description**

[Audio and Video Surveillance on School Buses](#)

[Video and Audio Surveillance on School Property](#)

[Parental Objections to Specific Course Material](#)

[Health Education and Exemption From Instruction](#)

[Health Education and Exemption From Instruction - Health and Sex Education Exemption/Objectionable Course](#)

[Material: Opt-Out Form](#)

[Programs for Gifted and Talented Students](#)

IHBB

|           |                                                                                                                                                      |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| IK        | <a href="#"><u>Earning of High School Credit - Achievement of Competencies</u></a>                                                                   |
| ILD       | <a href="#"><u>Non-Educational/Non-Academic Questionnaires, Surveys &amp; Research</u></a>                                                           |
| ILD-R(1)  | <a href="#"><u>Non-Educational/Non-Academic Questionnaires, Surveys &amp; Research - Protection of Pupil Rights Amendment - Supporting Forms</u></a> |
| JCA       | <a href="#"><u>Change of Class or School Assignment - Best Interests and Manifest Hardship</u></a>                                                   |
| JIC       | <a href="#"><u>Student Conduct</u></a>                                                                                                               |
| JICD      | <a href="#"><u>Student Discipline and Due Process</u></a>                                                                                            |
| JICD-R(1) | <a href="#"><u>Student Discipline and Due Process - Memorandum of Understanding</u></a>                                                              |
| JJJ       | <a href="#"><u>Access to Public School Programs by Nonpublic, Charter School and Home Educated Pupils</u></a>                                        |
| JJJ-R(1)  | <a href="#"><u>Access to Public School Programs by Nonpublic, Charter School and Home Educated Pupils - Administrative Regulations</u></a>           |
| JKAA      | <a href="#"><u>Use of Restraints and Seclusion</u></a>                                                                                               |
| JLCB      | <a href="#"><u>Immunizations of Students</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>                                                                                            |

Policy Review - NEW/1st Reading: 8/26/25; 2<sup>nd</sup> Reading/Adopted: 9/9/25

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

*Category: Priority/Required by Law*

- **INTRODUCTION AND GENERAL POLICY AGAINST DISCRIMINATION AND HARASSMENT**

The Mascoma Valley Regional School District recognizes the right of all students and staff members to learn and work in an environment free from discrimination or harassment, and likewise, that persons participating or attempting to participate in District programs, employment or activities have the right to do so free from discrimination or harassment.

Accordingly, the District prohibits any type of unlawful harassment or discrimination based on age, race, color, religion, creed, sex, national or ethnic origin, gender identity, sexual orientation, marital status, familial status, physical or mental disability, pregnancy, genetic information, or veteran status by employees, students, members of the school community, or by vendors or visitors on school property or at school-sponsored events. No person shall be excluded from or denied the benefits of educational programs or activities on the basis of any of the above classes or economic status.

As described above, the blanket prohibition afforded under this policy, as well as other Board policies, reflects, but goes further than, some of the same protections afforded under multiple State and Federal statutes or regulations, such as, but not limited to, NH RSA 354-A, and NH RSA 193:38-39, Titles IV,

VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1972, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Pregnant Worker Fairness Act. Additionally, bullying or general harassment of students unrelated to any of the characteristics (“protected classes”) identified above, is further prohibited under Board policy JICK and RSA 193-F. Statutory and regulatory statements and notices of nondiscrimination are included in Section I of this policy.

The District has determined that the most effective way to limit harassing or discriminating statements or conduct that is illegal or unlawful under those statutes is to treat it as misconduct under Board policies even when such conduct or statements might not rise to the level of discrimination or harassment prohibited under federal or state law.

- **DEFINITIONS**

The definitions found here apply to each Board policy unless and to the extent that such definition is contrary to specific language or context of that policy or other legal authority.

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

“*Discrimination*” is conferring benefits upon, refusing or denying benefits to, or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information, or any other characteristic protected by law, or based on a belief that such a characteristic exists.

A “*Grievance*” or “*Complaint*” is a verbal or written report or complaint of discrimination, harassment, or retaliation that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination. The required form and the specific process for making a report may vary depending on the nature of the conduct or issue. See Section D, below, for further information.

“*Harassment*” generally refers to the use of words or engaging in behaviors that annoy, threaten, intimidate, or demean a person without a legitimate purpose. Harassment will often constitute bullying prohibited under Board policy JICK. Additionally, harassment may constitute illegal discrimination if the harassing statements or behaviors include explicit or implicit reference to age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin.

“*Retaliation*” means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District’s education program or activity, for the purpose of interfering with any right or privilege secured by state or federal law, or District policies, procedures, regulations or rules, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing, or appeal under such policies, procedures, etc.

- **POLICY APPLICATION**

This policy is applicable to all persons employed or served by the District. It applies to all sites and activities the District supervises, controls, or where it has jurisdiction under the law, including where it (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off

school property; or (b) occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event, as set forth in Board policy JICK, Pupil Safety and Violence Prevention. Examples of sites and activities include all District buildings and grounds, school buses and other vehicles, field trips, and athletic competitions.

- **REPORT, COMPLAINT, AND GRIEVANCE PROCEDURES**

- o Reports or complaints of sex discrimination, including sex-based harassment, or sexual violence should be made under Board policy ACAC;
  - o Reports or complaints by students of discrimination on the basis of educational disability under the IDEA should be made under Board policy ACE;
  - o Reports or complaints of bullying or other harassment of pupils should be made under Board policy JICK;
  - o Reports or complaints of discrimination, harassment, or retaliation not specified above, including, without limitation, claims relating to race, ethnicity, disability (e.g., ADA or 504), religion, access to the Boy Scouts of America or other Title 36 youth group listed in Title 36, Subtitle II, Part B of the United States Code (as a patriotic society) that is intended to serve young people under the age of 21, and not involving or relating to the District's food services (see number 5 below) should be made under the grievance procedure in Board policy ACA; and
  - o Reports or complaints of discrimination based upon protected classes relative to any of the District's food and nutrition services (FNS) programs (school lunches, etc.) should be made under Board policy ACF, unless the alleged discriminatory conduct relates to a class identified in Sections D.1 or D.2.
- Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should contact the District Human Rights Officer, or otherwise as provided in the policies referenced above under this same heading.

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

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

- **ALTERNATIVE COMPLAINT PROCEDURES AND LEGAL REMEDIES**

At any time, whether or not an individual files a complaint or report under this policy or policy ACA, an individual may file a complaint with an external agency, such as the Office for Civil Rights (“OCR”) of the United States Department of Education, the New Hampshire Commission for Human Rights, or another relevant authority. The contact information for such agencies is located in AC-R(2). Complaints to the OCR, however, must be made within 180 days of the last act of alleged discrimination, harassment or retaliation giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence.

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

- **RETALIATION PROHIBITED**

No reprisals or retaliation of any kind will be taken by the Board or by any District employee against the complainant or other individual on account of his or her filing a complaint or report or making statements in the course of an investigation or grievance procedure. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of an investigation, a disciplinary proceeding, or grievance proceeding does not constitute retaliation, provided, however, that a finding explicitly or implicitly negating a statement, alone, is not sufficient alone to conclude that the person made a materially false statement in bad faith.

- **HUMAN RIGHTS OFFICER, TITLE IX AND 504/ADA COORDINATORS**

The Superintendent shall assure that District and or building personnel are assigned to the positions listed below. Each year, and more often when personnel change, the Superintendent shall prepare and disseminate as a supplement to this policy AC-R(2) an updated list of the person or persons acting in those positions, along with their District contact information, including telephone number, email, and postal and physical addresses:

**Human Rights Officer:**

Name: April Guinness

Address: 547 US Route 4/PO Box 789, Enfield, NH 03748

Telephone: 603-632-5563

Email Address: [aguinness@mvrds.org](mailto:aguinness@mvrds.org)

**Title IX Coordinator:**

Name: Chris Beeso, Special Education Director

Address: 547 US Route 4/PO Box 789, Enfield, NH 03748

Telephone: 603-632-5563

Email Address: [cbeeso@mvrds.org](mailto:cbeeso@mvrds.org)

**504/ADA Coordinator:**

Name: Chris Beeso, Special Education Director

Address: 547 US Route 4/PO Box 789, Enfield, NH 03748

Telephone: 603-632-5563

Email Address: [cbeeso@mvrds.org](mailto:cbeeso@mvrds.org)

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

- **DISTRICT ANTI-DISCRIMINATION PLAN**

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

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

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

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

- **STATUTORY AND REGULATORY NONDISCRIMINATION STATEMENTS AND NOTICES**

- **Comprehensive Prohibition Against Discrimination in Educational Programs and Activities.**

Under State or Federal law and Board policy, no person shall be excluded from, denied the benefits of, or subjected to discrimination in the District’s public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion or national origin. As used in this section, “race” means immutable traits associated with race, including hair texture and protective hairstyles and “protective hairstyles” means hairstyles or hair type, including braids, locs, tight coils or curls, cornrows, Bantu knots, Afros, twists, and headwraps. Discrimination, including harassment, against any person in the District’s education programs, on the basis of any of the above classes, or a person’s creed, is prohibited.

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

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

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

The School District is an Equal Opportunity Employer. The District ensures equal employment opportunities without regard to age, color, creed, disability, gender identity, marital status, national origin, pregnancy, race, religion, sex, or sexual orientation. The

District will employ individuals who meet the physical and mental requirements, and who have the education, training, and experience established as necessary for the performance of the job as specified in the pertinent job description(s).

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

o **USDA Nondiscrimination Statement (copied from Policy ACF).**

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

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

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

- **Mail:**  
U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- **Fax:**  
(833) 256-1665 or (202) 690-7442; or
- **Email:**  
[Program.Intake@usda.gov](mailto:Program.Intake@usda.gov)

● **COLLABORATION WITH OUTSIDE AGENCIES**

Information may be disclosed if necessary to further the investigation, appeal or resolution of a grievance, or if necessary to carry out interim or disciplinary measures. The District will disclose information to the District's attorney, law enforcement, and others when necessary to enforce this policy or when required by law. In implementing this policy, the District will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The District will keep any documentation created in investigating the

complaint including, but not limited to, documentation considered when making any conclusions, in accordance with Board policy, state and federal laws, and as advised by the District's attorney.

- **ADDITIONAL REPORTING REQUIREMENTS**

Reports under this Policy are in addition to and do not replace other reporting requirements mandated by law or other policies - see, e.g., Educator Code of Conduct (see Board policy GBEAB), abuse or neglect of children (see RSA 169-C:29 and policy JLF), acts of “theft, destruction, or violence” (see RSA 193-D:4, I (a) and Ed 317.06), incidents of “bullying” (see RSA 193-F and policy JICK), and hazing (see RSA 671:7).

- **ADMINISTRATIVE PROCEDURES, REGULATIONS AND TRAINING PROGRAMS**

The Superintendent shall develop such other procedures and regulations, and shall ensure that training programs are provided as are necessary and appropriate to implement this policy as well as the other policies referenced above.

- **NOTICE OF COMPLIANCE**

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

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

#### **NH Statutes**

RSA 186:11, XXXIII

RSA 193-F

RSA 193:38

RSA 275:71

RSA 275:78-83

RSA 354-A

RSA 354-A:1

RSA 354-A:27

RSA 354-A:6

#### **Description**

[Discrimination](#)

[Student Safety and Violence Protection Act](#)

[Discrimination in Public Schools](#)

[Prohibited Conduct by Employer](#)

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

[State Commission for Human Rights](#)

[\(Human Rights\) Title and Purposes of Chapter](#)

[Opportunity for Public Education without Discrimination a Civil Right](#)

[Opportunity for Employment without Discrimination a Civil Right](#)

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

N.H. Code Admin. Rules Ed 303.01 (i)

#### **Description**

[School Board Substantive Duties](#)

#### **Federal Regulations**

34 CFR 108

#### **Description**

[Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups](#)

89 FR 29182

[Pregnant Workers Fairness Act \(“PWFA”\)](#)

**Federal Statutes**

20 U.S.C 1681, et seq  
 20 U.S.C. § 1400-1417  
 20 U.S.C. § 7905

29 U.S.C. 621, et seq.  
 29 U.S.C. 705  
 29 U.S.C. 794  
 36 U.S.C. Subtitle II Part B  
 42 U.S.C. 12101, et seq.  
 42 U.S.C. 2000c  
 42 U.S.C. 2000d et seq.  
 42 U.S.C. 2000e et seq.  
 42 U.S.C. 2000gg  
 42 U.S.C. 218d

**Description**

[Title IX of the Education Amendments of 1972](#)  
[Individuals with Disabilities Education Act \(IDEA\)](#)  
[Equal access to public school facilities \("Boy Scouts of America Equal Access Act"\)](#)  
[The Age Discrimination in Employment Act of 1967](#)  
[The Rehabilitation Act of 1973 - Definitions](#)  
[Rehabilitation Act of 1973 \(Section 504\)](#)  
[Organizations](#)  
[Title II of The Americans with Disabilities Act of 1990](#)  
[Title IV of the Civil Rights Act of 1964](#)  
[Title VI of the Civil Rights Act of 1964](#)  
[Title VII of the Civil Rights Act of 1964](#)  
[Pregnant Worker Fairness Act \("PWFA"\)](#)  
[Pump for Nursing Mothers Act \("PUMP Act"\)](#)

**Cross References****Code**

ACA  
 ACAC

ACD  
 ACE

ACF

ACN  
 EF  
 EFAA  
 GBAM

GBI  
 GDB  
 IHBA  
 IHBA-R(1)

IHBAM  
 IHBCA

IHBG  
 IKG  
 JICK  
 JICK-R(1)  
 JICK-R(2)

**Description**

[Discrimination and Harassment Grievance Procedure](#)  
[Prohibition of Sexual Harassment: Policy and Grievance Procedures](#)  
[Commitment to Religious Neutrality](#)  
[Procedural Safeguards: Nondiscrimination on the Basis of Disability](#)  
[Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints](#)  
[Accommodation of Nursing Mothers](#)  
[Food Service Management](#)  
[Meal Charging](#)  
[Accommodation of Pregnancy and Related Medical Conditions: Personnel](#)  
[Staff Participation in Political Activities](#)  
[Employment of Non-Certified Personnel](#)  
[Programs for Pupils with Disabilities](#)  
[Programs for Pupils with Disabilities - Section 504 - Notice of Parent & Student Rights](#)  
[District Special Education Policy and Procedures Manual](#)  
[Accommodation of Pregnancy and Related Medical Conditions: Students](#)  
[Home Education Instruction](#)  
[Awards and Scholarships](#)  
[Pupil Safety and Violence Prevention](#)  
[Pupil Safety and Violence Prevention - Report Form](#)  
[Pupil Safety and Violence Prevention - Bullying Report Form](#)

|           |                                                                                |
|-----------|--------------------------------------------------------------------------------|
| JICK-R(3) | <a href="#">Pupil Safety and Violence Prevention - School Board</a>            |
|           | <a href="#">Notification of Bullying Report</a>                                |
| JJA       | <a href="#">Student Activities &amp; Organizations</a>                         |
| JJA-R(1)  | <a href="#">Student Activities &amp; Organizations - Eligibility Standards</a> |
| JJIC      | <a href="#">Eligibility for Interscholastic Athletics</a>                      |
| KEE       | <a href="#">Website Accessibility and Grievance</a>                            |
| KFA       | <a href="#">Conduct on School Property</a>                                     |
| KFA-R(1)  | <a href="#">Conduct on School Property - Assaults</a>                          |

Draft to School Board: 12/16/03

First Reading: 12/16/03; Second Reading and Adoption: 1/13/04

SB Review: 11/27/18; F&F Review: 4/3/19; 1<sup>st</sup> Reading: 4/23/19; 2<sup>nd</sup> Reading: 5/14/19

Policy Review: 1/30/20; 1<sup>st</sup> Reading: 2/25/20; 2<sup>nd</sup> Reading/Adopted: 4/28/20

Policy Review/1<sup>st</sup> Reading: 7/23/24; 2<sup>nd</sup> Reading/Adopted: 8/13/24

Waive Review/1<sup>st</sup> Reading/2<sup>nd</sup> Reading - Emergency Adopt/Adopted: 2/25/25

## **AC-R (2) - NONDISCRIMINATION, EQUAL OPPORTUNITY EMPLOYMENT, AND ANTI-DISCRIMINATION PLAN – ANNUAL NOTICE OF CONTACT INFORMATION**

*Category: Priority/Required by Law*

**Pursuant to Board policy AC, *Nondiscrimination, Equal Opportunity Employment, and District Anti-Discrimination Plan***, the District administration is directed to update and publish a list of current personnel and contact information for various positions and outside agencies relating to the District's anti-discrimination policies.

### **DISTRICT PERSONNEL:**

#### **Human Rights Officer:**

Name: April Guinness

Address: 547 US Route 4/PO Box 789, Enfield, NH 03748

Telephone: 603-632-5563

Email Address: [aguinness@mvrds.org](mailto:aguinness@mvrds.org)

#### **Title IX Coordinator:**

Name: Chris Beeso, Special Education Director

Address: 547 US Route 4/PO Box 789, Enfield, NH 03748

Telephone: 603-632-5563

Email Address: [cbeeso@mvrds.org](mailto:cbeeso@mvrds.org)

#### **504/ADA Coordinator:**

Name: Chris Beeso, Special Education Director

Address: 547 US Route 4/PO Box 789, Enfield, NH 03748

Telephone: 603-632-5563

Email Address: [cbeeso@mvrds.org](mailto:cbeeso@mvrds.org)

### **OUTSIDE AGENCIES:**

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

Office of the Assistant Secretary for Civil Rights, U.S. Department of Agriculture; 1400 Independence Avenue, SW, Washington, D.C., 20250-9410; Telephone - 866-632-9992; Email - [program.intake@usda.gov](mailto:program.intake@usda.gov)

Boston Area Office, U.S. Equal Employment Opportunity Commission; JFK Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506; Telephone - 1-800-669-4000; ASL Videophone - 1-844-234-5122; Email - [info@eeoc.gov](mailto:info@eeoc.gov)

New Hampshire Commission for Human Rights; 57 Regional Drive, Suite 8, Concord, NH 03301; Telephone - 603-271-2767; Email - [humanrights@hrc.nh.gov](mailto:humanrights@hrc.nh.gov)

New Hampshire Department of Justice, Civil Rights Unit; 33 Capitol Street, Concord, NH 03301; Telephone - 603-271-3650; Email - [doj.civilrights@doj.nh.gov](mailto:doj.civilrights@doj.nh.gov)

N.H. Department of Education, Commissioner of Education; 25 Hall Street, Concord, NH 03301; Telephone - 603-271-3494; Email - [info@doe.nh.gov](mailto:info@doe.nh.gov)

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

#### **NH Statutes**

RSA 186:11, XXXIII

RSA 193-F

RSA 193:38

RSA 275:71

RSA 275:78-83

RSA 354-A

RSA 354-A:1

RSA 354-A:27

RSA 354-A:6

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

N.H. Code Admin. Rules Ed 303.01 (i)

#### **Federal Regulations**

34 CFR 108

89 FR 29182

#### **Federal Statutes**

20 U.S.C 1681, et seq

#### **Description**

[Discrimination](#)

[Student Safety and Violence Protection Act](#)

[Discrimination in Public Schools](#)

[Prohibited Conduct by Employer](#)

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

[State Commission for Human Rights](#)

[\(Human Rights\) Title and Purposes of Chapter](#)

[Opportunity for Public Education without Discrimination a Civil Right](#)

[Opportunity for Employment without Discrimination a Civil Right](#)

#### **Description**

[School Board Substantive Duties](#)

#### **Description**

[Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups](#)

[Pregnant Workers Fairness Act \(“PWFA”\)](#)

#### **Description**

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

|                              |                                                                                                            |
|------------------------------|------------------------------------------------------------------------------------------------------------|
| 20 U.S.C. § 1400-1417        | <a href="#"><u>Individuals with Disabilities Education Act (IDEA)</u></a>                                  |
| 20 U.S.C. § 7905             | <a href="#"><u>Equal access to public school facilities (“Boy Scouts of America Equal Access Act”)</u></a> |
| 29 U.S.C. 621, et seq.       | <a href="#"><u>The Age Discrimination in Employment Act of 1967</u></a>                                    |
| 29 U.S.C. 705                | <a href="#"><u>The Rehabilitation Act of 1973 - Definitions</u></a>                                        |
| 29 U.S.C. 794                | <a href="#"><u>Rehabilitation Act of 1973 (Section 504)</u></a>                                            |
| 36 U.S.C. Subtitle II Part B | <a href="#"><u>Organizations</u></a>                                                                       |
| 42 U.S.C. 12101, et seq.     | <a href="#"><u>Title II of The Americans with Disabilities Act of 1990</u></a>                             |
| 42 U.S.C. 2000c              | <a href="#"><u>Title IV of the Civil Rights Act of 1964</u></a>                                            |
| 42 U.S.C. 2000d et seq.      | <a href="#"><u>Title VI of the Civil Rights Act of 1964</u></a>                                            |
| 42 U.S.C. 2000e et seq.      | <a href="#"><u>Title VII of the Civil Rights Act of 1964</u></a>                                           |
| 42 U.S.C. 2000gg             | <a href="#"><u>Pregnant Worker Fairness Act ("PWFA")</u></a>                                               |
| 42 U.S.C. 218d               | <a href="#"><u>Pump for Nursing Mothers Act ("PUMP Act")</u></a>                                           |

## Cross References

| Code      | Description                                                                                                        |
|-----------|--------------------------------------------------------------------------------------------------------------------|
| ACA       | <a href="#"><u>Discrimination and Harassment Grievance Procedure</u></a>                                           |
| ACAC      | <a href="#"><u>Prohibition of Sexual Harassment: Policy and Grievance Procedures</u></a>                           |
| ACD       | <a href="#"><u>Commitment to Religious Neutrality</u></a>                                                          |
| ACE       | <a href="#"><u>Procedural Safeguards: Nondiscrimination on the Basis of Disability</u></a>                         |
| ACF       | <a href="#"><u>Food and Nutrition Services: Anti-Discrimination and Civil Rights Complaints</u></a>                |
| ACN       | <a href="#"><u>Accommodation of Nursing Mothers</u></a>                                                            |
| EF        | <a href="#"><u>Food Service Management</u></a>                                                                     |
| EFAA      | <a href="#"><u>Meal Charging</u></a>                                                                               |
| GBAM      | <a href="#"><u>Accommodation of Pregnancy and Related Medical Conditions: Personnel</u></a>                        |
| GBI       | <a href="#"><u>Staff Participation in Political Activities</u></a>                                                 |
| GDB       | <a href="#"><u>Employment of Non-Certified Personnel</u></a>                                                       |
| IHBA      | <a href="#"><u>Programs for Pupils with Disabilities</u></a>                                                       |
| IHBA-R(1) | <a href="#"><u>Programs for Pupils with Disabilities - Section 504 - Notice of Parent &amp; Student Rights</u></a> |
| IHBAM     | <a href="#"><u>District Special Education Policy and Procedures Manual</u></a>                                     |
| IHBCA     | <a href="#"><u>Accommodation of Pregnancy and Related Medical Conditions: Students</u></a>                         |
| IHBG      | <a href="#"><u>Home Education Instruction</u></a>                                                                  |
| IKG       | <a href="#"><u>Awards and Scholarships</u></a>                                                                     |
| JICK      | <a href="#"><u>Pupil Safety and Violence Prevention</u></a>                                                        |
| JICK-R(1) | <a href="#"><u>Pupil Safety and Violence Prevention - Report Form</u></a>                                          |
| JICK-R(2) | <a href="#"><u>Pupil Safety and Violence Prevention - Bullying Report Form</u></a>                                 |
| JICK-R(3) | <a href="#"><u>Pupil Safety and Violence Prevention - School Board Notification of Bullying Report</u></a>         |

|          |                                                                                |
|----------|--------------------------------------------------------------------------------|
| JJA      | <a href="#">Student Activities &amp; Organizations</a>                         |
| JJA-R(1) | <a href="#">Student Activities &amp; Organizations - Eligibility Standards</a> |
| JJIC     | <a href="#">Eligibility for Interscholastic Athletics</a>                      |
| KEE      | <a href="#">Website Accessibility and Grievance</a>                            |
| KFA      | <a href="#">Conduct on School Property</a>                                     |
| KFA-R(1) | <a href="#">Conduct on School Property - Assaults</a>                          |

Old Policy AC-E: Adopted 4/28/20

Review/1<sup>st</sup> Reading Waived, 2<sup>nd</sup> Reading/Adopted: 9/10/24

Waive Review/1<sup>st</sup> Reading/2<sup>nd</sup> Reading - Emergency Adopt/Adopted: 2/25/25

## **ACAC – PROHIBITION OF SEXUAL HARASSMENT: POLICY AND GRIEVANCE PROCEDURES**

*Category: Priority/Required by Law*

**This Mascoma Valley Regional School District policy and grievance procedure applies to all reports or complaints of sexual harassment, whether prohibited by Title IX (“Title IX sexual harassment”) or sexual harassment prohibited/governed by other policies or state or federal laws (“Non-Title IX sexual harassment”). Definitions for both Title IX and Non-Title IX sexual harassment are found in Section II.C of this policy.**

**Instructions for making a report of either form of sexual harassment are found in Section II.K, and instructions for making a “Formal Complaint” initiating the Title IX investigation and determination process are found in Section III.A. The “Title IX Grievance Process” (or sometimes simply the “Grievance Procedure”) is Section III.**

### **I. RESTATEMENT OF POLICY PROHIBITING DISCRIMINATION ON THE BASIS OF SEX.**

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

### **II. DEFINITIONS AND OTHER PROVISIONS APPLICABLE TO PROHIBITED SEXUAL HARASSMENT.**

- **Prohibited Sexual Harassment.** Sexual harassment is a form of sex discrimination and is strictly prohibited by the District. Behaviors that will often constitute prohibited sexual harassment include:
  - Sexually suggestive remarks or jokes;
  - Verbal harassment or abuse;
  - Displaying or distributing sexually suggestive pictures, in whatever form (e.g., drawings, photographs, videos, irrespective of format);
  - Sexually suggestive gesturing, including touching oneself in a sexually suggestive manner in front of others;

- o Harassing or sexually suggestive or offensive messages that are written or transmitted electronically;
- o Subtle or direct propositions for sexual favors or activities; or
- o Touching of a sexual nature or groping will always constitute a violation of school policies, and such touching or groping that occurs without consent (i.e. sexual assault) will constitute sexual harassment prohibited under Title IX.

Such behaviors are prohibited and, depending on the context, the repetition, and/or the severity, may also violate one or more state or federal laws. The most severe, pervasive, and offensive of these behaviors are governed by Title IX. Less severe sexual harassment may still constitute a violation of this policy, Board policy AC and/or JICK, as well as one or more state or federal laws, such as: Title VII of the Civil Rights Act of 1964, RSA 193:38, RSA 354-A:1, -A:6 and -A:27. More detailed definitions of “Title IX sexual harassment” and other prohibited sexual harassment (“non-Title IX sexual harassment” are set out in the definitions section in II.C, below.

While **all reports of sexual harassment are to be processed in the first instance under Sect. II.K.1 of this Policy**, only formal complaints regarding alleged conduct that **could** constitute Title IX sexual harassment are subject to the Complaint and Grievance Procedure found in Sect. III, below. If the alleged conduct does not appear to meet - or has been determined under the Title IX Grievance Procedure of Sect. III not to meet - the definition of sexual harassment under Title IX, then the report will be investigated and processed in accordance with Board policy ACA.

A. **Application of Policy.**

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

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

The Superintendent shall have overall responsibility for implementing this Policy, and shall annually appoint a District Title IX Coordinator as that position is described in Sect. II.C, below. The name and contact information for the Title IX Coordinator is set forth in Board Policy AC-R(2), which policy shall be updated and disseminated annually with the Title IX Coordinator’s name as set forth in Board policy AC.

B. **Definitions.**

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

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

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

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

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

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

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

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

**“Sexual harassment”** prohibited under this policy includes sexual harassment specifically prohibited and defined under regulations implementing Title IX (“Title IX sexual harassment”) and other sexual harassment defined or governed by other policies, or state or federal laws (“non-Title IX Sexual Harassment”).

The context and severity of behavior can make a difference between conduct prohibited under Title IX, and conduct of a sexual nature that violates Board policy and/or other statutes. The nature of the allegations will determine whether the allegations are to be processed under provisions relating to Title IX or under Board policy ACA. The Title IX Grievance Process found in Sect. III, below, will only be used upon the filing of a formal complaint (discussed in Sections II.K.3 and III.A, below).

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

**“Title IX sexual harassment”** is conduct on the basis of sex occurring in a school system, education program or activity that constitutes one or more of the following:

1.
  - a. A school district employee conditioning an aid, benefit, or service of an education program or activity on an individual’s participation or refusal to participate in sexual conduct, irrespective of whether the conduct is welcomed by the student or other employee;
  - b. Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal law; **OR**
  - c. Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive, **AND** objectively offensive that it effectively denies a person equal access to the education program or activity (this

standard requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and victim and the number of individuals involved and their authority. *(Note: conduct that meets some but not all the elements of this type of sexual harassment would not be Title IX sexual harassment, but, may, nonetheless, constitute Non-Title IX sexual harassment.)*

Conduct that meets one or more of the above will not constitute Title IX sexual harassment if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser/respondent and the context in which the harassment occurred. The same conduct, may, however, be addressed under policy ACA.

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

**“Non-Title IX sexual harassment”** prohibited under this policy, Board policies AC and ACA and one or more of Title VII of the Civil Rights Act of 1964, RSA 193:38, RSA 354-A:1, -A:6 or -A:27 is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature in the following situations:

I.

1.

- I. Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s educational benefits, a term of an employee or prospective employee’s employment, or any other person’s access to District programs or activities;
- II. Submission to or rejection of such conduct is used as the basis for decisions on educational benefits, district employment, or access to programs or facilities; or
- III. Such conduct has the purpose and effect of substantially interfering with a student’s academic performance, an employee’s work performance, any person’s access to district programs or facilities, **OR** creates an intimidating, hostile or offensive learning or work environment.

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

- - o Counseling;

- o Course modifications;
- o Schedule changes; and
- o Increased monitoring or supervision

Supportive measures shall be designed to restore or preserve equal access to the District’s education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment and/or deter sexual harassment. Supportive measures shall remain confidential with exclusive exceptions stated and required in Sect. II.F, below.

- **Title IX Coordinator.**

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

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

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

- A. **Training.**

All District employees shall receive regular training relative to mandatory reporting obligations under this policy (see also Board policy GBEAB, and any other responsibilities they may have relative to this Policy).

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

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

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

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

**B. Confidentiality.**

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

- a. information to either party to the extent necessary to provide the parties due process during the Title IX Grievance Process (if allegations concern Title IX sexual harassment, or a formal complaint has been filed instituting the Title IX Grievance Process under Sect. III.A);
- b. information to individuals who are responsible for handling the District's investigation and determination of responsibility to the extent necessary to complete the District's grievance process;
- c. mandatory reports of child abuse or neglect to DCYF or local law enforcement (per Board policy JLF);
- d. information to the complainant's and the respondent's parent/guardian as required under this Policy and or the Family Educational Rights and Privacy Act ("FERPA"); and
- e. reports to the New Hampshire Department of Education as required under N.H. Code of Administrative Rules Ed 510 regarding violations of the NH Code of Conduct for Education Professionals.

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

supportive measures.

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

1.
  - a. Any individual who has made a report or complaint of sex discrimination;
  - b. Any individual who has made a report or filed a formal complaint of sexual harassment;
  - c. Any complainant;
  - d. Any individual who has been reported to be the perpetrator of sex discrimination;
  - e. Any respondent; and
  - f. Any witness.

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

1. **Retaliation Prohibited.**

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

2. **Conflict of Interest.**

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

3. **Dissemination and Notice.**

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

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

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

Additionally, the District will make this Policy, as well as any materials used to train personnel as required under Sec. II.E *[publicly available on the district's website]* {OR, BUT only if the District does not maintain a website} *[available to members of the public as government records]*.

**A. Records and Record Keeping.**

- a. For each report or formal complaint of sexual harassment, the District, through the Title IX Coordinator, must create, and maintain for seven (7) years, record of:
  - i. Any actions, including any supportive measures,
  - ii. The basis for the District's conclusion that its response was not deliberately indifferent; and
  - iii. Documentation which:
    - 1. If supportive measures were provided to the complainant, a description of the supportive measures taken designed to restore or preserve equal access to the District's education program or activity; or
    - 2. If no supportive measures were provided to a complainant, explains the reasons why such a response was not clearly unreasonable in light of the known circumstances.
- b. In addition, the District shall maintain the following records for a minimum of seven (7) years:
  - i. Records for each formal complaint of sexual harassment, including:
    - 1. Any determination regarding responsibility, including dismissals;
    - 2. Any disciplinary sanctions imposed on the respondent;
    - 3. Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;
    - 4. Any appeal and the result therefrom;
    - 5. Any informal resolution process and the result therefrom;
  - ii. All materials used to train Title IX Coordinators, investigators, and decision-makers.

**B. Reports of Sexual Harassment, Formal Complaints and District Responses.**

- a. Report of Sexual Harassment.

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

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

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

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

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

b. District Response to Report of Sexual Harassment.

The district will promptly respond when there is actual knowledge of sexual harassment, even if a formal complaint has not been filed. The district shall treat complainants and respondents equitably by providing supportive measures to the complainant and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

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

o Formal Complaints.

Pursuant to federal regulations, and this Policy, a formal complaint that contains allegations of conduct that may constitute Title IX sexual harassment and a request that the District investigate the allegations is required before the District may conduct a formal investigation of Title IX sexual harassment or take any action (other than supportive measures) against a person accused of Title IX sexual harassment. **Once a formal complaint of Title IX sexual harassment is**

received by the Title IX Coordinator, s/he shall commence the Title IX Grievance Process set out in Sect. III below. The process for filing a formal complaint is set forth in Sect. III.A. If the alleged conduct does not appear to meet the definition of Title IX sexual harassment, **AND** no formal complaint is filed under Sect. III.A, then the matter may be processed under Board policy ACA.

- o Limitation on Disciplinary Action.

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

- o Emergency Removal and Administrative Leave.

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

The Title IX Coordinator shall keep the Superintendent of Schools informed of any employee respondents so that he/she can make any necessary reports to New Hampshire Department of Education in compliance with applicable administrative rules and the New Hampshire Code of Conduct for Educational Professionals. In appropriate cases, the Superintendent may place an employee respondent on non-disciplinary administrative leave pursuant to RSA 189:31.

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

The Title IX Grievance Process is used only upon the filing of a formal complaint of sexual harassment as described in Sect. III.A, below. The provisions of Sections I and II of this Policy are incorporated as part of the Title IX Grievance Process. ***However, as used in this Section III, “sexual harassment” shall only refer to “Title IX sexual harassment” unless otherwise specifically indicated.*** Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities related to the Title IX Grievance Process.

- 1. **Process for Filing a Formal Complaint of Sexual Harassment.**

The Title IX Grievance Process is initiated by way of a formal complaint (“complaint” or “formal complaint”) filed by the complainant, the complainant's parent/guardian, or the Title IX Coordinator. The complainant may file a complaint or choose not to file a complaint and simply receive the supportive measures. If the Complainant does not file a complaint, the Title IX Coordinator may sign a formal complaint, but only if initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances, and in other cases where, in the exercise of good judgment and in consultation with the District's attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately

indifferent to known allegations of sexual harassment (e.g., reports of sexual assault, employee on student harassment, repeat reports, or the conduct in the complainant's report has not been adequately resolved through the provision of supportive measures). If the complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.

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

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

At a minimum, a formal complaint must:

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

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

#### **1. Initial Steps and Notice of Formal Complaint.**

- a. The Title IX Coordinator will provide notice to the complainant and the complainant's parent/guardian (if the complainant is a non-eligible student under FERPA), and to the respondent (if known) and the respondent's parent/guardian (if the respondent is a non-eligible student under FERPA), as well as to any other known parties, of the following:
  - i. this Title IX Grievance Process, including any informal resolution process;
  - ii. the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview; "sufficient details" shall include to the extent known identities of persons involved, the conduct allegedly constituting sexual harassment, and the date and location of the incident;
  - iii. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  - iv. that each party may have an advisor of their choice, who may be, but is not required to be, an attorney;

- v. that each party is entitled to inspect and review evidence; and
  - vi. a reference to any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- b. The Title IX Coordinator will contact the complainant to discuss and offer supportive measures.
- c. The Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
- d. The Title IX Coordinator will examine the allegations in the formal complaint, to determine whether even if assumed true, the allegations are sufficient to sustain a finding of sexual harassment under this Policy. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the complainant to discuss the complaint and whether amendment is appropriate, in which case the process of Sect. III.C.4 will apply.
- e. If the formal complaint fails to satisfy the definition of sexual harassment in this Policy, the complaint shall be dismissed as provided in Sect. III.G, below.
- f. If the complaint is not dismissed, then Title IX Coordinator will consult with the Superintendent as to whether the Title IX Coordinator should act as the investigator or whether a different District or other employee shall act in that capacity. At the same time, the Title IX Coordinator and the Superintendent shall appoint the person who shall make the initial determination of responsibility (initial decision maker). In all cases, the investigator and the initial decision maker must be properly trained and otherwise qualified (see Sect. II.E "Training", and Sect. II.H "Conflict of Interest").
- g. If the report alleges sexual harassment by the Superintendent, the Title IX Coordinator will inform the School Board Chair and the Business Administrator the latter of whom shall have authority to seek guidance from the District's general counsel, but shall not delay the District's response to the report as outlined in this Policy.

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

- a. **Copies and Notices.** Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. (Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor. See Sections III.E.3, and III.E.4).
- b. **Risk Analysis and Emergency Removal.** At any point during the Title IX Grievance Process, the Title IX Coordinator may arrange for an individualized safety and risk analysis as described in Sec. II.K.5, following which a student may be removed.

- c. Administrative Leave. At any point during the Title IX Grievance Process, the Superintendent, and at his/her own discretion, and with or without consulting the Title IX Coordinator, may place an employee on administrative leave pursuant to RSA 189:31.
- d. Additional Allegations. If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that were not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.
- e. No Interference with Legal Privileges. At no point in process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the District, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process.
- f. Consolidation of Complaints. The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular “party”, “complainant”, or “respondent” include the plural, as applicable.
- g. Remedies: Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.
  - i. “Disciplinary sanctions” are consequences imposed on a respondent when s/he is found responsible for sexual harassment under this Policy. Remedial actions are actions intended to restore or preserve a complainant’s equal access to the educational programs and activities of the District.
  - ii. “Disciplinary sanctions” against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy, NH Code of Conduct for Educational Professionals, applicable individual or collective bargaining contract, or state or federal laws or regulations.
  - iii. “Disciplinary sanctions” against a student may include any available discipline or sanction, up to and including expulsion, under the policies, rules and procedures that establish the district’s comprehensive student code of conduct.
  - iv. “Remedial actions” as to a respondent after a final finding of responsibility, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant’s right to access the district’s program and activity.

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

### 3. **Timeframe of Grievance Process.**

The District shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through at least the determination of responsibility decision within 80 days after filing the formal complaint. In more complex cases, the time necessary to complete a fair and thorough investigation or other circumstances mean that a determination of responsibility cannot reasonably be made within that timeframe.

#### a. **Summary of Grievance Process Timeline.**

- i. Investigation (as described in Sect. III.E.1) 20 +/- days as the complexity of the case demands
- ii. 10 days for reviewing information prior to conclusion of investigation
- iii. 10 days after receiving report to respond to report
- iv. 10 days for decision maker to allow initial questions
- v. 10 days for responses to questions
- vi. 10 days for questions and responses to follow-up questions.
- vii. 10 days for determination of responsibility decision
- viii. 10 days for appeal (6 additional days for administrative steps)
- ix. 10 days for argument/statement challenging or supporting determination
- x. 10 days for decision on appeal

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

### 4. **Investigation.**

The Title IX Coordinator will coordinate the investigation. The investigator shall be as appointed pursuant to Sect. III.B.6.

- a. The Title IX Coordinator may conduct the investigation, or, in consultation with the Superintendent, designate another qualified person to investigate. The investigation and investigator must:
  - i. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
  - ii. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
  - iii. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence;
  - iv. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
  - v. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The investigator may restrict any others from participating, as long as the restrictions apply equally to both parties;
  - vi. Provide, to a party (e.g., respondent or complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate within the timeframes established in Sect. III.D, below.
  - vii. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;
- b. Prior to completion of the investigative report, the District, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
- c. The investigator must prepare a written investigative report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant District policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.
- d. The investigator shall provide the investigative report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have

10 days from receipt to provide the Title IX Coordinator a written response to the investigative report.

- e. It serves all parties when investigations proceed diligently and conclude within a reasonable time, which may vary case by case. In most cases, it is expected that the investigator will conclude the initial investigation, and provide the parties the evidence and other information required under Sect. III.E.2. Not more frequently than every other week, any party may request the Title IX Coordinator to obtain and provide the parties with a basic status report on the investigator's progress toward completion. In most cases, the investigator should conclude the investigation within 10-20 days after receiving a Formal Complaint.

## **2. Determination of Responsibility and Initial Decision Maker.**

The determination of responsibility of the respondent shall be made by the initial decision maker as appointed pursuant to Sect. III.B.6.

0. Prior to making a determination of responsibility, the initial decision maker will afford each party 10 days to submit written, relevant questions to the initial decision maker that the party wants asked of any party or witness.
1. The initial decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.
2. The initial decision maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise to be provided to each party.
3. The initial decision maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
4. The initial decision maker may not make any creditability determinations based on the person's status as a complainant, respondent or witness.
5. The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
6. The initial decision maker may impose disciplinary sanctions and remedies as described in Sect. III.C.7, above.
7. The standard to be used for formal complaints in determining whether a violation has occurred and/or that the respondent is responsible is the preponderance of the evidence standard, which is only met when the party with the burden convinces the fact finder (the initial decision maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not).
8. The initial decision-maker must issue a written determination/decision within 10 days after the close of the period for responses to the last round of follow-up questions. The written "Initial Determination of Responsibility" must include:

- i. Identification of the allegations potentially constituting sexual harassment;
  - ii. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination of Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
  - iii. Findings of fact supporting the determination;
  - iv. Conclusions regarding the application of the District's applicable codes of conduct, policies, administrative regulations or rules to the facts;
  - v. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), and any disciplinary sanctions or remedies; and
  - vi. The District's procedures and permissible bases for the complainant and respondent to appeal (as set forth in Sect. III.H, below).
9. The decision maker shall provide the Initial Determination of Responsibility to the Title IX Coordinator, the Superintendent and the parties simultaneously.

## 2. **Dismissal of a Formal Complaint.**

- A. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
  - i. Would not constitute Title IX sexual harassment, even if proved;
  - ii. Did not occur in the District's education program or activity; or
  - iii. Did not occur against a person in the United States.
- B. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
  - i. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - ii. The respondent is no longer enrolled or employed by the District; or
  - iii. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- C. Prior to dismissal of a complaint, the person responsible at that stage shall consult with the Superintendent.
- D. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

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

**mandated process. (See discussions in Sect. II.A and the definitions under "sexual harassment" in Sect. II.C).**

## **II. Appeals Process.**

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

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

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

### **1.**

- a. Within 3 days of receipt of the written appeal, the Superintendent shall appoint a decision maker for appeal ("appeals decision maker"), who must have adequate training as provided in Sect. II.E, be free from conflict of interest as provided in Sect. II.H, and may not be the same person as the initial decision maker, the person who ordered dismissal, the investigator(s), or the Title IX Coordinator. Upon the appointment of the appeals decision maker, the Superintendent shall provide a Notice of Appeal to each party and to the Title IX Coordinator, with a copy of the written appeal. The Notice of Appeal must include information about all deadlines and timeframes in the appeal stage.
- b. Each party shall have 10 days from the date the Notice of Appeal is delivered to the parties to submit to the appeals decision maker a written statement, with copies to the Superintendent, Title IX Coordinator, and other party a statement ("appeal statement") in support of, or challenging, the determination of responsibility or dismissal.
- c. Each party shall provide copies of the appeal statement to the other party, the Superintendent, and the Title IX Coordinator at the same time the appeal statement is given to the appeals decision maker. If the basis of the appeal is newly available evidence

affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's appeal statement.

- d. The appeals decision maker may refer an appealed issue back to a prior point in the grievance process, with written notice to the parties, the Superintendent and the Title IX Coordinator.
  - e. The appeals decision maker shall provide a written appeals decision after considering the record and the parties' appeal statements. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence, or refer it back to the appropriate stage of the Title IX Grievance Process. The written appeals decision will describe the result(s) of the appeal and the rationale, with copies provided to the parties, Superintendent and Title IX Coordinator, no more than 10 days after receiving the last of the parties' written statements per Sect. III.H.5.
2. **Finality of Determination of Responsibility**. The determination regarding responsibility becomes final either on the date that the recipient, through the Superintendent, provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal of the Initial Determination of Responsibility would no longer be considered timely. The final determination shall be identified as the Title IX Decision.

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

1. **Informal Resolution**.

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

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

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

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

#### **NH Statutes**

RSA 193:38

RSA 354-A:1

RSA 354-A:27

RSA 354-A:6

#### **Description**

[Discrimination in Public Schools](#)

[\(Human Rights\) Title and Purposes of Chapter](#)

[Opportunity for Public Education without Discrimination a Civil Right](#)

[Opportunity for Employment without Discrimination a Civil Right](#)

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

N.H. Code Admin. Rules Ed 303.01 (i)

N.H. Code Admin. Rules Ed 303.01 (j)

#### **Description**

[School Board Substantive Duties](#)

[Substantive Duties of School Boards; Sexual Harassment Policy](#)

#### **Federal Regulations**

34 CFR 106.30

34 CFR 106.44

34 CFR 106.45

34 CFR 106.71

34 CFR 106.8

34 CFR. Part 99

#### **Description**

[Definitions](#)

[Recipient's response to sexual harassment](#)

[Grievance process for formal complaints of sexual harassment](#)

[Retaliation](#)

[Designation of responsible employee and adoption of grievance procedures.](#)

[Family Educational Rights and Privacy Act Regulations](#)

#### **Federal Statutes**

20 U.S.C 1681, et seq

42 U.S.C. 2000e et seq.

#### **Description**

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

[Title VII of the Civil Rights Act of 1964](#)

#### **Cross References**

#### **Code**

AC

AC-R(2)

ACA

ACN

EHB

EHB-R(1)

GBAM

#### **Description**

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

[Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information](#)

[Discrimination and Harassment Grievance Procedure](#)

[Accommodation of Nursing Mothers](#)

[Data/Records Retention](#)

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

[Accommodation of Pregnancy and Related Medical Conditions: Personnel](#)

GBEAB  
IHBCA

[Mandatory Code of Conduct Reporting - All Employees](#)  
[Accommodation of Pregnancy and Related Medical](#)  
[Conditions: Students](#)

JICK  
JICK-R(1)  
JICK-R(2)  
JICK-R(3)

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

JJIC  
JLF  
JLF-F(1)

[Eligibility for Interscholastic Athletics](#)  
[Reporting Child Abuse or Neglect](#)  
[Reporting Child Abuse or Neglect - Report Form](#)

New Policy/1<sup>st</sup> Reading/Adopted: 9/22/20

Review/1<sup>st</sup> Reading Waived: 9/10/24; 2<sup>nd</sup> Reading/Adopted: 9/10/24

Waive Review/1<sup>st</sup> Reading/2<sup>nd</sup> Reading - Emergency Adopt/Adopted: 2/25/25

## **ACAC-R - TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCEDURES**

### **1. TITLE IX GRIEVANCE PROCESS.**

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

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

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

If no formal complaint is filed by the complainant or the Title IX Coordinator no disciplinary action may be taken against the respondent based upon conduct that would constitute sexual harassment under this policy. Although there is no time limit per se to filing a formal complaint, for complaints initiated by the complainant or his/her parent/guardian, the complainant must be employed by the District or participating in or attempting to participate in the education program or activities of the District at the time of filing. Additionally, although the District will initiate the Title IX Grievance Process regardless of when the formal complaint is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

At a minimum, a formal complaint must:

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

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX Coordinator or on the district website (School Board Policy ACAC-F).

# **1. Initial Steps and Notice of Formal Complaint.**

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

maker). Ordinarily the building principal shall serve as the initial decision maker. In all cases, the investigator and the initial decision maker must be properly trained and otherwise qualified (see Sec. II.D “Training”, and Section II.G “Conflict of Interest”).

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

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

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

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

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

### **3. Timeframe of Grievance Process.**

The District shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through at least the determination of responsibility decision within 80 days after filing the formal complaint. In more complex cases, the time necessary to complete a fair and thorough investigation or other circumstances mean that a determination of responsibility cannot reasonably be made within that timeframe.

#### **a. Summary of Grievance Process Timeline.**

- i. Investigation 20 +/- days as the complexity of the case demands (Sec. I.E.1) below
- ii. 10 days for reviewing information prior to conclusion of investigation
- iii. 10 days after receiving report to respond to report
- iv. 10 days for decision maker to allow initial questions
- v. 10 days for responses to questions
- vi. 10 days for questions and responses to follow-up questions.
- vii. 10 days for determination of responsibility decision
- viii. 10 days for appeal (6 additional days for administrative steps)
- ix. 10 days for argument/statement challenging or supporting determination
- x. 10 days for decision on appeal

- b. Delays and Extensions of Time. At any stage of the grievance process, the District (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for

good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties or witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide written notice to the parties of the delay/extension and the reason(s).

#### **4. Investigation.**

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

1. The Title IX Coordinator may conduct the investigation, or, in consultation with the Superintendent, designate another qualified person to investigate. The investigation and investigator must:
  1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
  2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
  3. Provide an equal opportunity for the parties to present witnesses, and other inculpatory and exculpatory evidence;
  4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
  5. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The investigator may restrict any others from participating, as long as the restrictions apply equally to both parties;
  6. Provide, to a party (e.g., respondent or complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate within the timeframes established in Sec. I.D, above.
  7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;
2. Prior to completion of the investigative report, the District, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
3. The investigator must prepare a written investigative report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant District policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.

4. The investigator shall provide the investigative report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the investigative report.
5. It serves all parties when investigations proceed diligently and conclude within a reasonable time, which may vary case by case. In most cases, it is expected that the investigator will conclude the initial investigation, and provide the parties the evidence and other information required under Sec. I.E.2, above. Not more frequently than every other week, any party may request the Title IX Coordinator to obtain and provide the parties with a basic status report on the investigator's progress toward completion. In most cases, the investigator should conclude the investigation within 10-20 days after receiving a Formal Complaint.

## **5. Determination of Responsibility and Initial Decision Maker.**

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

- I. Prior to making a determination of responsibility, the initial decision maker will afford each party 10 days to submit written, relevant questions to the initial decision maker that the party wants asked of any party or witness.
- II. The initial decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question and evidence concern specific incidents of the complainants prior sexual behavior with respect to the respondent and are offered to prove consent.
- III. The initial decision maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise to be provided to each party.
- IV. The initial decision maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
- V. The initial decision maker may not make any creditability determinations based on the person's status as a complainant, respondent or witness.
- VI. The respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- VII. The initial decision maker may impose disciplinary sanctions and remedies as described in Section I.C7, above.
- VIII. The standard to be used for formal complaints in determining whether a violation has occurred and/or that the respondent is responsible is the preponderance of the evidence standard, which is only met when the party with the burden convinces the fact finder (the initial decision maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not).
- IX. The initial decision-maker must issue a written determination/decision within 10 days after the close of the period for responses to the last round of follow-up questions. The written "Initial Determination of Responsibility" must include:
  3. Identification of the allegations potentially constituting sexual harassment;

4. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination of Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
  5. Findings of fact supporting the determination;
  6. Conclusions regarding the application of the District's applicable codes of conduct, policies, administrative regulations or rules to the facts;
  7. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), and any disciplinary sanctions or remedies; and
  8. The District's procedures and permissible bases for the complainant and respondent to appeal (as set forth in Section I.H, below).
- X. The decision maker shall provide the Initial Determination of Responsibility to the Title IX Coordinator, the Superintendent and the parties simultaneously.

## **6. Dismissal of a Formal Complaint.**

0. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
  1. Would not constitute sexual harassment, even if proved;
  2. Did not occur in the District's education program or activity; or
  3. Did not occur against a person in the United States.
1. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
  - I. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - II. The respondent is no longer enrolled or employed by the District; or
  - III. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
2. Prior to dismissal of a complaint, the person responsible at that stage shall consult with the Superintendent.
3. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

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

## **7. Appeals Process.**

- A. Either party may appeal the Initial Determination of Responsibility or the dismissal of a formal complaint or any allegation in a formal complaint by notifying the Superintendent in writing ("written appeal"), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal. The written appeal must be

received by the Superintendent within 10 days of the Initial Determination of Responsibility or written notice of dismissal being communicated to the parties.

- B. An appeal under this Policy may only be based upon one or more of the following bases, which must be stated specifically in the party's written appeal:
1. Procedural irregularity that affected the outcome of the matter;
  2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
  3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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

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

- C. Within 3 days of receipt of the written appeal, the Superintendent shall appoint a decision maker for appeal ("appeals decision maker"),<sup>1</sup> who must have adequate training as provided in Section II.D, be free from conflict of interest as provided in Section II.G, and may not be the same person as the initial decision maker, the person who ordered dismissal, the investigator(s), or the Title IX Coordinator. Upon the appointment of the appeals decision maker, the Superintendent shall provide a Notice of Appeal to each party and to the Title IX Coordinator, with a copy of the written appeal. The Notice of Appeal must include information about all deadlines and timeframes in the appeal stage.
- D. Each party shall have 10 days from the date the Notice of Appeal is delivered to the parties to submit to the appeals decision maker a written statement, with copies to the Superintendent, Title IX Coordinator, and other party a statement ("appeal statement") in support of, or challenging, the determination of responsibility or dismissal.
- E. Each party shall provide copies of the appeal statement to the other party, the Superintendent, and the Title IX Coordinator at the same time the appeal statement is given to the appeals decision maker. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's appeal statement.
- F. The appeals decision maker may refer an appealed issue back to a prior point in the grievance process, with written notice to the parties, the Superintendent and the Title IX Coordinator.
- G. The appeals decision maker shall provide a written appeals decision after considering the record and the parties' appeal statements. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence, or refer it back to the appropriate stage of the Title IX Grievance Process. The written appeals decision will describe the result(s) of the appeal and the rationale, with copies provided to the parties, Superintendent and Title IX Coordinator, no more than 10 days after receiving the last of the parties' written statements per Section I.H.5, above.

---

<sup>1</sup> Although the school board is not precluded from serving as a decision maker with respect to appeals, before it may do so, each member of the board must meet both the training and conflict of interest requirements described in Sections II.D and II.G. Such training may be provided on an as-needed basis, but because of necessary timelines, the framework will need to be in place long before a case is appealed.

8. **Finality of Determination of Responsibility.** The determination regarding responsibility becomes final either on the date that the recipient, through the Superintendent, provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal of the Initial Determination of Responsibility would no longer be considered timely. The final determination shall be identified as the Title IX Decision.

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

9. **Informal Resolution.**

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

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

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

See Also: ACAC – Title IX Sexual Harassment Policy

New Policy/Procedures: 9/22/20

## **ADC/GBED/JICG - PROHIBITIONS REGARDING USE AND POSSESSION OF TOBACCO PRODUCTS, E-CIGARETTES AND E-LIQUIDS IN AND ON SCHOOL FACILITIES AND GROUNDS**

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

***Identical Policy: GBED & JICG***

***Related Policy: IHAMA***

State law prohibits the use of any tobacco product including but not limited to, e-cigarette, or liquid nicotine in any facility or upon any grounds maintained by the Mascoma Valley Regional School District. Students and minors are further prohibited from possessing such items in or upon any facility, school vehicle, or grounds owned or maintained by the District.

- A. **Definitions.** These definitions shall also include any amendments to the referenced statutes as the same may be amended or replaced from time to time.

**"Tobacco product(s)"** means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes, as well as any other product or item included in RSA 126-K:2, XI.

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

**"E-cigarette"** means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that may or may not contain nicotine or e-liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name as well as any other product or item included in RSA 126-K:2, II-b.

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

**"Liquid nicotine"** means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes, as well as any other product or item included in RSA 126-K:2, III-a.

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

**"Facility"** is any place which is supported by public funds and which is used for the instruction of students enrolled in preschool programs and in all grades maintained by the District. This definition shall include all administrative buildings and offices and areas within facilities supportive of instruction and subject to educational administration, including, but not limited to, lounge areas, passageways, rest rooms, laboratories, classrooms, study areas, cafeterias, gymnasiums, maintenance rooms, athletic fields & facilities and storage areas.

- B. **Students**

No person under the age of 21 shall purchase, attempt to purchase, possess or use any tobacco product, device, e-cigarette, e-liquid, or liquid nicotine in any facility, in any school building or vehicle, or anywhere on school grounds maintained by the District.

Additionally, no person, including, without limitation, students or employees (as defined above), may sell, give or furnish tobacco products, e-cigarettes, or e-liquid to any person under 21 in or upon any school facility

Enforcement of the prohibition against students shall initially rest with building principals, or their

designees, who may also report any violation to law enforcement, for possible juvenile, criminal or other proceedings as provided under state law. Additional consequences may be administered pursuant to printed student conduct rules.

C. **Employees**

No employee shall use any tobacco product, device, e-cigarette, e-liquid, or liquid nicotine, in any facility, in any school building or vehicle, or anywhere on school grounds maintained by the District.

Initial responsibility for enforcement of this prohibition shall rest with building principals, or their designees. Any employee(s) who violate(s) this policy is subject to disciplinary action which may include warning, suspension or dismissal. Violations may also be referred to appropriate law enforcement and/or other appropriate agencies for criminal or other proceedings as provided under state law.

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

D. **All other persons**

- A. No visitor, contractor, vendor or other member of the public, shall use any tobacco product, device, e-cigarette, e-liquid, or liquid nicotine in any facility, in any school building or vehicle, or anywhere on school grounds maintained by the District.
- B. Additionally, no person, including, without limitation, students or employees (as defined above), may sell, give or furnish tobacco products, e-cigarettes, or e-liquid to any person under 21 in or upon any school facility.
- C. The building principal(s), and where appropriate, other site supervisor (athletic director, vehicle driver, etc.), or their designee(s), shall have the initial responsibility to enforce this section, by requesting that any person who is violating this policy to immediately cease the use of tobacco products, e-cigarette or liquid nicotine. After this request is made, if any person refuses to refrain from using such products in violation of this policy, the principal, site supervisor, or designee may contact the appropriate law enforcement agency(ies) for possible criminal or other proceedings as provided under state law.

E. **Implementation and Notice - Administrative Rules and Procedures.**

The Superintendent shall establish administrative rules and procedures to implement this policy, which rules and procedures may be building level and/or district-wide. Rules and procedures relating to student violations and resulting disciplinary consequences should be developed in consultation with building principal(s).

The Superintendent, working with the building principal(s), shall provide annual notice to employees, students and parents of the pertinent provisions of this policy (e.g., student or staff handbook) along with applicable administrative regulations and procedures, which may include prescribed consequences for violations of this policy. Such notice should include information that violation of this Policy could lead to criminal or other such proceedings.

Signs shall be placed by the District in all buildings, facilities and school vehicles stating that the use of tobacco products is prohibited. Violators may be reported to local law enforcement at the discretion of administration.

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

| <b>NH Statutes</b>      | <b>Description</b>                                                                      |
|-------------------------|-----------------------------------------------------------------------------------------|
| RSA 126-K:2             | <a href="#"><u>Definitions</u></a>                                                      |
| RSA 126-K:7             | <a href="#"><u>Use of Tobacco Products on Public Educational Grounds Prohibited</u></a> |
| RSA 126-K:8             | <a href="#"><u>Youth Access to and Use of Tobacco Products, Special Provisions</u></a>  |
| RSA 126-K:6             | <a href="#"><u>Possession and Use of Tobacco Products by Minors</u></a>                 |
| RSA 155:64 – 77         | <a href="#"><u>Indoor Smoking Act (Act starts at section 155:64)</u></a>                |
| <b>Federal Statutes</b> | <b>Description</b>                                                                      |
| 20 U.S.C. Sec. 7973     | <a href="#"><u>Nonsmoking Policy for Children's Services</u></a>                        |

Draft to School Board: 12/16/03

First Reading: 12/16/03; Second Reading and Adoption: 1/13/04

SB Review: 11/27/18; F&F Review: 4/3/19; 1<sup>st</sup> Reading: 4/23/19; 2<sup>nd</sup> Reading & Adopted: 5/14/19

Reviewed/1<sup>st</sup> Reading: 11/10/20; 2<sup>nd</sup> Reading/Adopted: 11/24/20

Policy Review/1<sup>st</sup> Reading: 7/23/24; 2<sup>nd</sup> Reading/Adopted: 8/13/24

## **ECAF - AUDIO AND VIDEO SURVEILLANCE ON SCHOOL BUSES**

**Category:** *Recommended*

*See also EEA, EEAA, JICC JICK & JRA*

### **General Authorization**

Video cameras may be used on Mascoma Valley Regional School District school buses to monitor student behavior. Audio recordings in conjunction with video recordings may also be captured on school buses, in accordance with the provisions of RSA 570-A:2.

**NOTE CONCERNING AUDIO RECORDINGS:** Recordings that include audio must also comply with the limitations of RSA 570-A:2, II (k)(2), which provides in pertinent part: "In no event, however, shall the recording be retained for longer than 10 school days unless the school district determines that the recording is relevant to a disciplinary proceeding, or a court orders that it be retained for a longer period of time. An audio recording shall only be reviewed if there has been a report of an incident or a complaint relative to conduct on the school bus, and only that portion of the audio recording which is relevant to the incident or complaint shall be reviewed."

### **Notification**

This policy constitutes notification that audio and video recordings may be made on school buses used in the district. See also Board policy JICK - Pupil Safety and Violence Prevention.

The Superintendent or his/her designee shall ensure that there is a sign prominently displayed on the school buses informing the occupants of the school buses that such video and audio recordings are occurring.

Notification of such video and audio recordings on the bus will also be included in the Student-Parent Handbook as well as the District and school websites.

### **Procedures Concerning Usage and Retention of Audio Recordings**

The Superintendent is charged with establishing additional administrative procedures consistent with this policy to address the length of time which any audio recording is retained, ownership of the recording, limitations on who may view and listen to the recording, and provisions for erasing or destroying the recordings. Video recordings without audio may be used, retained or destroyed as provided in Board policy EEAA.

Recordings may be viewed/heard only by the following persons and only after expressly authorized by the Superintendent:

1. Superintendent or designee
2. Transportation Coordinator
3. Investigators or attorneys retained by district
4. Business Administrator
5. Building Administrator
6. Law Enforcement Officers
7. Parent/guardian of any student involved in disciplinary proceedings and present on the recording.

The Superintendent is authorized to consult with the District's attorney relative to the use and retention of an audio and video recording either generally or in reference to a particular occurrence.

### **Student Records**

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of a student's education record. If an audio or video recording does become part of a student's education record, the provisions of Policy JRA shall apply.

### **Legal References:**

*RSA 570-A:2, Capture of Audio Recordings on School Buses Allowed*  
*34 C.F.R. Part 99, Family Educational Rights and Privacy Act Regulations*

Draft recommended to the Board on: 5/9/94; Adopted by the Board on: 7/18/94

Revision approved, as amended, first reading: 10/12/99

2<sup>nd</sup> Reading and Adoption by the Board: 11/09/99

Revision approved and first reading: 12/16/14

Second Reading and Approval: 1/14/15

Reviewed/First Reading: 10/27/20; 2<sup>nd</sup> Reading/Adopted: 11/10/20

Review/1<sup>st</sup> Reading: 2/8/22; 2<sup>nd</sup> Reading/Adopted: 2/22/22

## **EF - FOOD SERVICE MANAGEMENT**

Category: Recommended

See also JLCF

In the Mascoma Valley Regional School District, all food service personnel will be directly responsible to the Food Service Director. The Food Service Director is responsible to the Superintendent or Business Administrator.

The Food Service Director is responsible for the planning and preparation of food served in the food service program, ensuring full compliance with the State of New Hampshire's education rules and regulations. All food will comply with the nutrition standards as set forth by the school wellness program.

The Food Service Director will order supplies, keep accurate records of financial transactions connected with the food service program, and prepare all records and reports as required.

The Food Service Director will be certified by a NH Department of Education approved program. They must hold a certificate of completion for an approved sanitation course upon employment.

All food service employees shall, within their first year of employment, obtain a certificate of completion for an approved sanitation course.

The Food Service Director will make recommendations to the building principal, the Superintendent, and/or Business Administrator concerning personnel and operational matters related to the food service program.

The District will seek to ensure that all students have access to school-provided meals. The Superintendent and/or the Business Administrator will develop meal-payment procedures for school-provided meals. No student will be subject to different treatment from the standard school lunch meal or school cafeteria procedures, regardless of ability to pay for such meal.

Reviewed: 12/01/16; First Reading 12/13/16; Second Reading 1/10/17

F&F: 11/1/18; School Board: 11/13/18; F&F: 1/2/19;

1<sup>st</sup> Reading: 1/8/19; 2<sup>nd</sup> Reading & Adopted: 1/22/19

## **EFA - AVAILABILITY AND DISTRIBUTION OF HEALTHY FOODS**

*Category: Priority/Required by Law*

The Mascoma Valley Regional School District will support the availability and distribution of healthy foods and beverages in all school buildings during the school day.

The Superintendent of Schools or his/her designee is responsible for ensuring that all foods and beverages distributed within the district meet nutritional standards established by state and federal law relative to: (1) nutrient density; (2) portion size; and (3) nutrition targets, as defined in pertinent law.

The Superintendent of Schools or his/her designee is responsible for implementing developmentally appropriate opportunities to learn food preparation skills that support nationally recognized research-based nutrition standards. The Superintendent of Schools or his/her designee is responsible for providing annual communication information about the policy and procedure and related curricula to the school community.

First Reading to Board: 5/26/15

Second Reading and Approval: 6/9/15

## **EFAA - MEAL CHARGING**

*Category: Priority/Required by Law*  
*See also JLCF, EF, EFA & EFE*

The Mascoma Valley Regional School District encourages all parents and guardians (hereinafter "parents") to provide a healthy breakfast and lunch for their student(s). Parents are welcome to send students to school with a "brown bag/lunch box" meal. The District provides the opportunity to purchase breakfast and lunch from the school cafeteria. Each meal meets or exceeds the federal nutrition standards. Payment is expected no later than when the meal is served. Payment may be in cash, check or as a debit against funds deposited into an established student lunch account.

**All students will be allowed a school lunch regardless of their account balance.**

The school lunch program is required by federal law to operate as a non-profit which must end each fiscal year without a negative balance. Uncollected debt must be paid to the school lunch program from other funds. Therefore, parents of students required to pay the full or reduced price for meals must ensure that the school lunch program is paid for their student's meals. The District's policy is to quickly escalate efforts to bring student meal accounts into positive balance, to avoid circumstances where these accounts build significant debt.

### **Student Meal Accounts**

The District uses a point-of-sale computerized meal payment system which has an account for all students. Parents of students who will be purchasing meals using this system are required to establish and maintain a positive balance in the student's meal account.

Funds may be deposited into a student lunch account by cash, check, or on-line payment. Cash or checks made out to: Café Services should be presented to the cashier at the cafeteria. A check may also be mailed to: Café Services, 27 Royal Road, Canaan, NH 03741. The District utilizes the services of [www.MealTime.com](http://www.MealTime.com). The use of checks or on-line payments is encouraged, as each provides a record. Parents are responsible for any fees charged by the on-line service. In accordance with United States Department of Agriculture ("USDA") guidance SP 02-2015, there will be no processing fee for deposits to a student meal account made by cash or check.

Bank fees incurred on any check returned for insufficient funds will be charged to the parent. In accordance with RSA 358-C:5, notice of the fee charged for a check that is returned for insufficient funds shall be included in any letter sent to a Parent seeking payment because the student meal account has a negative balance.

Each notice to parents will include information on how to verify a student meal account balance, to resolve concerns regarding the accuracy of the account balance, or to obtain information on the school meal program, including the name, title, hours when available, phone number, and e-mail address of an appropriate member of the District staff.

### **Parental Restrictions on Use of Student Meal Account**

Parents who establish a meal account for their student are responsible for establishing with their student any restrictions the parent chooses to place on use of the account. Unless restricted by the parent, a student may purchase a la carte items in addition to the regular meal choices. Some students purchase more than one meal at one sitting. Setting and ensuring compliance with limitations on the use of the student's meal account afford families an opportunity to develop their student's understanding of the responsible use of credit and debit

accounts, which will benefit the student throughout life. Parents must monitor the student's use of the meal account to ensure that a sufficient balance is available at all times for their student to charge meals. The District's on-line payment system allows a parent to check their students balance at any time.

The District's policy is to ensure that students have access to healthy meals and that no student will be subject to different treatment from the standard school meal or school cafeteria procedures. Therefore, the District will allow students to purchase a meal, even if the student's meal account has insufficient funds. This policy applies to all meal offerings generally available at the cafeteria, including breakfast and lunch. This does not apply to a la carte items.

### **Balance Statements**

**The District will work proactively with parents to maintain a positive balance in their student's meal account.** The Superintendent shall establish a procedure at each school requiring that a low balance statement be sent to parents whenever the balance in a student's meal account falls to or below a set amount that approximates the amount typically necessary to pay for one week of meals.

The notices will be sent by e-mail when practical, otherwise by a note, sealed in an envelope, and sent home with the student. Only those District staff who have received training on the confidentiality requirements of federal and state law, including the United States Department of Agriculture's ("USDA") guidance for school meal programs, and who have a need to access a child's account balance and eligibility information may communicate with parents regarding unpaid meal charges. Volunteers, including parent volunteers will not be used to communicate with parents regarding unpaid meal charges. 42 U.S.C. 1758(b)(6).

Notice prior to the account reaching zero is intended to reinforce the requirement that a positive balance be maintained in the student meal account. If a student meal account falls into debt, the initial focus will be on resuming payments for meals being consumed to stop the growth of the debt. The secondary focus will be on restoring the account to routinely having a positive balance.

The District recognizes that unexpected financial hardships occur and will work with parents in this circumstance to limit the amount of accumulated debt. To do so, it is essential that parents respond to notices and cooperate with district staff efforts. Fairness and equal treatment requires that those able to pay, but who fall behind, must promptly bring their students meal account into a positive balance. The District's proactive approach is intended to help ensure students have healthy meals and that parents do not accumulate significant debt to the school meal program.

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

The District participates in the federally supported program to provide free or reduced price meals to students from families whose economic circumstances make paying for meals difficult. Income guidelines for eligibility are based on family size and are updated each year by the USDA. The District will ensure parents are informed of the eligibility requirements and application procedures for free or reduced cost meals as well as the requirements of this policy.

Parents shall be provided with a copy of this policy and an application for free or reduced cost meals annually at the start of the school year through a mailing or in the parents' handbook, upon enrollment of a transfer student during the school year, and as a component of all notices sent to parents seeking payment to correct a negative balance in the student meal account. The communication explaining the availability of the free or reduced price meals shall include all the elements required by federal regulation, 7 C.F.R. 245.5. Each notice shall also identify a member of the District staff, with contact information, who is available to answer questions or assist the parents with applying for free or reduced price meals.

As required by the Civil Rights Act of 1964 and USDA guidance, parents with Limited English Proficiency ("LEP") will be provided with information on this policy and the free and reduced price meal program in a language the parents can understand. The District will utilize USDA and community resources to fulfill this requirement. This policy and links to application materials for the free or reduced price meal program will be posted on the school web site and made available to parents at each school.

The District will proactively enroll students found to be categorically eligible into the free or reduced price meal program. The District will seek to enroll eligible students in the free or reduced price meal program upon learning from any source of the student's potential eligibility. When eligibility is established, the District will apply the earliest effective date permitted by federal and state law.

The District will provide a copy of this policy and application materials for free or reduced price meals to town welfare offices/human services offices and other local social service agencies who may have contact with parents who are confronting layoffs or other financial hardship.

(This section applies for districts that choose to allow a student with a zero balance to charge meals. A District may have a policy that charging meals is not permitted. A policy prohibiting meal charges may be more appropriate if applied only to older students.)

### **Students Without Cash in Hand or A Positive Account Balance**

**Regardless of whether a student has money to pay for a meal or has a negative balance in the student meal account, a student requesting a meal shall be provided with a meal from among the choices available to all students.** The only exception will be where the student's parents have provided the District with specific written direction that the student not be provided with a school lunch program meal, the student has a meal sent from home, or otherwise has access to an appropriate meal. Under no circumstances will a student's selected meal be thrown away because of the status of the student's meal account.

It is the parents' responsibility to provide their student with a meal from home or to pay for school prepared meals. Therefore, the District's policy is to direct communications to parents about student meal debt. When parents chose to provide meals sent from home, it is the parents' responsibility to explain to their student the necessity of the student not using the school meal program.

Initial efforts to contact parents will be by e-mail or phone, however if those efforts are unsuccessful, letters to parents may be sent home in sealed envelopes with the student. Where the District has not received a response from the parents or the parents do not cooperate in resolving negative student meal account balances and the student continues to use the school meal program, for students in grade seven or higher, the principal or designee may communicate directly with the student in a manner that is private and which does not publicly identify or stigmatize the student. Resolution of the problem should seek to ensure the student has ongoing access to an appropriate meal.

Should the student's meal account balance fall below zero, a balance statement requesting immediate payment shall be sent to parents no less than once each week.

If the student's meal account balance debt grows to \$15.00 or more a letter demanding immediate payment shall be sent by US Mail to the parent or the parent shall be contacted by the Principal or designee by phone or in person. Where warranted, the Principal may arrange a payment schedule to address current meal consumption and arrearages while the school continues to provide the student with meals.

If the student's meal account debt grows to \$30.00 or more the parents will be requested to meet with the principal. When appropriate, the Principal should explore with the parents whether an application for free or

reduced cost meals is warranted. Where extenuating circumstances of financial hardship exist and the family is not eligible for free or reduced cost meals, the District will work with the parents to identify and engage governmental and private charitable resources which are available to assist the family.

If a student with a negative balance in his or her meal account seeks to purchase a meal with cash or check, the student will be allowed to do so. There is no requirement that the funds be applied first to the debt.

### **Unresolved Debt**

If the Principal determines that the best available information is that the parents are able to pay the expenses of the student's meals and the parents decline to cooperate with resolving the debt in a timely manner, the Principal shall send a letter to the parents directing them to have their student bring meals from home and cease utilizing the school meal program. The student may resume using the school meal program when a positive account balance is restored in the student's meal account.

If the student continues to use the school meal program, a second letter shall be sent to the parents using certified mail, return receipt requested.

If parents continue to fail to provide the student with a meal sent from home, continue to fail to provide funds for their student to use the school lunch program, continue to refuse to cooperate with reasonable requests by District staff to address the overdue debt, and the parent is believed to have the ability to pay, the Superintendent may pursue payment through civil legal action, including filing a claim in small claims court pursuant to RSA Chapter 503. The Superintendent is delegated authority to assess the likelihood that civil action will lead to payment, the resources required to pursue collection, and to pursue such action only when doing so is in the best interest of the District.

The Superintendent shall try to identify non-profit charities that are willing to contribute funds to the district to assist in keeping a positive balance in the meal account of students whose parents do not qualify for free meals and who due to financial hardship are unable to consistently keep the student meal account in a positive balance. If at the end of the fiscal year uncollected debt in student meal accounts must, as a last resort to fulfill federal requirements, be paid to the school meal program from other District funds, the parents' debt for unpaid meal charges shall be owed to the District.

Applying the policy set forth above, the Superintendent shall determine if further collection efforts are in the best interest of the District. Any payments collected on debt that has been offset with District funds, shall be credited to the District. All debt collection efforts shall comply with RSA Chapter 358-C, New Hampshire's Unfair, Deceptive or Unreasonable Collection Practices Act.

### **Staff Enforcement of Policy/Training**

A copy of this policy and refresher training shall be provided annually to all food service and school staff responsible for serving student meals or enforcing this policy. New staff with these responsibilities shall be provided with a written copy of the policy and training on the policy during their initial training or orientation. In accordance with federal requirements, a record shall be maintained documenting that new staff receive the policy and training. The record must also document that all applicable staff receive a copy of the policy and refresher training annually.

### **Student with Special Dietary Needs**

Nothing in this policy prohibits providing an appropriate meal to a student with special dietary needs such as, but not limited to, diabetes, provided these needs have been documented in a health plan, Sec 504, or IEP. If the

meal is medically required, and the student has a negative student meal account balance, or does not have cash to purchase the meal, the necessary dietary needs will be met.

To request meal accommodations for students whose dietary needs qualify them for accommodation under law or to file a school meal program complaint with the District, contact the Food Service Director at phone number 632-4308.

To file a program complaint of discrimination with the USDA, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This District is an equal opportunity provider.

### **Nondiscrimination**

It is the District's policy that in the operation of child feeding programs, no child will be discriminated against because of race, sex, color, national origin, age, or disability. 7 C.F.R. 245.5(a)(1)(viii). Students will not be denied meals due to the existence of other unpaid charges at the school or for disciplinary reasons.

### **Assessment for Neglect Reporting**

If a student who has been determined to be ineligible for free or reduced cost meals or whose parents have refused to cooperate with filing an application for free or reduced cost meals is consistently not provided with meals, either through a meal sent from home or the payment for a meal through the school meal program, the Principal will assess whether a report of child neglect is warranted to the New Hampshire Department of Health and Human Services, Division for Children, Youth, & Families, as required by RSA 169-C:29-31.

School Board: 10/23/18; F&F: 11/1/18, 1.2.19

1<sup>st</sup> Reading: 1/8/19; 2<sup>nd</sup> Reading & Adopted: 1/22/19

F&F Review: 8/7/19; 1<sup>st</sup> Reading: 8/13/19; 2<sup>nd</sup> Reading & Adopted: 8/27/19

## **GBEBB – EMPLOYEE-STUDENT RELATIONS**

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

Mascoma Valley Regional School District staff members are expected to maintain courteous and professional relationships with students, maintain an atmosphere conducive to learning, through consistently and fairly applied discipline and established professional boundaries.

For purposes of this policy, "staff member" and "staff" includes every person identified as a "covered

individual" under Board policy GBCD, i.e., employee, stipend position (e.g., coach, trainer, drama coach, etc.), designated volunteer (whether direct or through a volunteer organization), or any contractor or person working on behalf of a contractor when the contractor provide services directly to students of the District.

- Prohibited Interactions.

The Board understands that Staff may interact with and have activities, friendships or natural relationships with students or the families of students outside of school. This Policy is not intended to prohibit such interactions, provided that appropriate limits are maintained.

The below types of interactions with District students are prohibited unless necessary to serve an educational or health-related purpose. Note that many of the interactions listed are also prohibited under other policies or laws (harassment, abuse/neglect, Code of Conduct for NH Educators, etc.), and this policy in no way limits the application of those policies or laws, including any reporting requirements.

- o Staff members shall not make derogatory comments to students regarding the school and/or its staff.
- o The exchange of purchased gifts between staff members and students is discouraged and prohibited when the gift is of more than de minimis value or is directed to an individual student.
- o Staff members shall not fraternize, written or verbally, with students except on matters that pertain to school-related issues.
- o Staff members shall not associate with students in any situation or activity which could be considered sexually suggestive or involve the presence or use of tobacco, alcohol or drugs.
- o Dating between staff members and students is prohibited.
- o Staff members shall not use insults or sarcasm against students as a method of forcing compliance with requirements or expectations.
- o Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.
- o Staff members shall not send students on personal errands.
- o Staff members shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect.
- o Staff members shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but, instead, should refer the student to the appropriate individual or agency for assistance.
- o Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.

- o Staff members shall not be alone in a room with a door closed, a locked door, or with the lights off.
- o Staff members are strongly discouraged from socializing with students outside of school on social networking websites, consistent with the provisions of Policy GBEBD.
- o Unless following a published District emergency health or medical emergency protocol or policy, staff shall not accompany or transport a minor to any medical appointment, mental health appointment or visit that includes any type of mental health evaluation, treatment, or counseling, or any other health-related appointment or visit, without the knowledge and approval of the minor's parent or guardian.

- **Violations and Reporting Violations.**

Staff members who violate this policy may face disciplinary measures, up to and including termination, consistent with state law and applicable provisions of a collective bargaining agreement.

Any employee who witnesses or learns of any of the above behaviors shall report it to the building Principal or Superintendent immediately.

Additionally, if the alleged violation of the above would also constitute a violation of the Code of Conduct for New Hampshire Educators, and the reporting employee is also a Credential Holder, then the Credential Holder must also make such reports as are required by the Code of Conduct and Board policy GBEAB.

Additional reporting is required if the conduct constitutes abuse or neglect prohibited by RSA 169-C (see Board policy JLF), or is required under some other Board policy, statute or regulation.

- **Dissemination of Policy.**

The Superintendent shall ensure that all staff members are provided a copy of this policy each year by way of handbooks, or other appropriate means.

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

## Cross References

| Code  | Description                                                         |
|-------|---------------------------------------------------------------------|
| GBEA  | <a href="#">Staff Ethics</a>                                        |
| GBEAB | <a href="#">Mandatory Code of Conduct Reporting - All Employees</a> |
| GBEB  | <a href="#">Staff Conduct</a>                                       |
| GBEBD | <a href="#">Employee Use of Social Networking Websites</a>          |
| JLC   | <a href="#">Student Health Services &amp; School Nurses</a>         |

Adopted: 6/8/10

Revised: 12/28/10

Reviewed: 11/20/19; 1<sup>st</sup> Reading: 1/28/20; 2<sup>nd</sup> Reading/Adopted: 2/11/20

Reviewed/1<sup>st</sup> Reading: 12/9/25; 2<sup>nd</sup> Reading/Adopted: 1/13/26

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

*Category: Priority-Required by Law*

*Identical Policy: ADB*

*Related Policy: JICH*

### 1. **Drug-Free Workplace**

- a. All Mascoma Valley Regional School District workplaces are drug- and alcohol-free. All employees and contracted personnel are prohibited from:
  1. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a "medical marijuana" card.
  2. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
- b. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
- c. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
- d. As a condition of employment, each employee and all contracted personnel will:
  - i. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
  - ii. Notify his or her supervisor **in writing** of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

- ii. In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:
  - i. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
  - ii. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
  - iii. Establish and maintain a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

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

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

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

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

### 4. **Drug-Free School Zone**

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

### 5. **Implementation and Review**

1. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
2. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The results will be submitted to the board. The review shall be

designed to:

- a. determine and assure compliance with the notification requirements of section A.5.a, b and c;
- b. determine the effectiveness of programs established under paragraph A.5.c above;
- c. ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

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

#### **NH Statutes**

RSA 318-B

RSA Chapter 193-B

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

N.H. Code of Admin. Rules Section Ed  
316

#### **Federal Regulations**

21 USC § 812

#### **Federal Statutes**

41 U.S.C. §101, et. seq.

#### **Description**

[Controlled Drug Act](#)

[Drug Free School Zones](#)

#### **Description**

[Procedure to mark drug-free school zones](#)

#### **Description**

[Schedules of Controlled Substances](#)

#### **Description**

[Drug-free workplace requirements for Federal contractors,  
and Federal grant recipients](#)

Adopted: 5/9/95

SB Review: 12/4/18; EIC: 1/17/19; 1<sup>st</sup> Reading: 2/12/19; 2<sup>nd</sup> Reading & Adopted: 2/26/19

Policy Review/1<sup>st</sup> Reading: 7/23/24; 2<sup>nd</sup> Reading/Adopted: 8/13/24

## **IGDJ - INTERSCHOLASTIC AND INTRAMURAL SPORTS**

The School Board believes individual students will benefit from a variety of opportunities to grow physically and intellectually. Accordingly, the Board supports an interscholastic and intramural sport program, allowing students to participate on the basis of personal interest, academic and conduct standards, and physical health. Program offerings should primarily consider student interest as well as the resources available for program support.

The Board believes that interscholastic and intramural athletic activities should be an outgrowth of the school's physical education and health curriculum, with skills and demands appropriate for the grade level of students involved. The Board supports an emphasis on participation in lifelong athletic activities, proper physical conditioning, good sportsmanship, and personal health.

It is recognized that a well planned and well conducted athletic program contributes to a positive school culture and the morale of the student body as well as an important element in school-community relations. The athletic program is an integral part of a comprehensive education as sports teach self-discipline, contribution to a team, healthy living, and development of self-esteem. Participation in interscholastic and intramural athletic programs is a privilege. For this reason, standards for academics and conduct/citizenship will determine eligibility. Students participating in district programs should be aware that during participation they represent their school and district and thus are subject to the policies and regulations of the Mascoma Valley Regional School District and state, local, and federal laws. A high standard of behavior is expected of team members.

New interscholastic athletic program offerings are subject to the approval of the Board, as are new memberships in any league, association, or conference, and eligibility guidelines for student participation.

The Mascoma Valley Regional High School is a member of the New Hampshire Interscholastic Athletic Association (NHIAA) and in all athletic matters will at least meet and comply with the rules, regulations, and philosophy of that body. The Board reserves the right to adopt a higher standard than that of the NHIAA.

Reviewed by the MVRSD Policy Committee: August 6, 1998

Approved by School Board 8/6/98; Reviewed EIC: 02/16/17

## **IKE - PROMOTION AND RETENTION OF STUDENTS**

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

The Mascoma Valley Regional School District Superintendent and the building principals shall develop rules for the promotion and retention of students. The rules will be approved by the Board. These rules shall be published in the Parent-Student Handbook.

Criteria to be considered regarding the promotion of students should include, but is not limited to, a student's mastery of course level competencies, grades, teacher recommendations, and the student's social growth and readiness.

### **Legal References:**

*Ed 306.14(b)(3), Promoting Students (until July 1, 2015)*

*Ed 306.141(a)(3), Promoting Students (after July 1, 2015)*

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

1<sup>st</sup> Reading: 3/25/03; 2<sup>nd</sup> Reading: 4/8/03; Adopted: 4/22/03

Reviewed/1<sup>st</sup> Reading: 1/26/21; 2<sup>nd</sup> Reading/Adopted: 2/9/21

## **JH - ATTENDANCE, ABSENTEEISM AND TRUANCY**

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

## **Absences**

The Mascoma Valley Regional School Board requires that school-aged children enrolled in the District attend school in accordance with all applicable state laws and Board policies. The educational program offered by the District is predicated upon the presence of the student and requires continuity of instruction and classroom participation in order for students to achieve academic standards and consistent educational progress.

Attendance shall be required of all students enrolled in the District during the days and hours that school is in session, except that the Principal may excuse a student for temporary absences when receiving satisfactory evidence of conditions or reasons that may reasonably cause the student's absence.

The Board considers the following to be excused absences:

1. Illness
2. Recovery from an accident
3. Required court attendance
4. Medical and dental appointments
5. Death in the immediate family
6. Observation or celebration of a bona fide religious holiday
7. Such other good cause as may be acceptable to the Principal or permitted by law

Any absence that has not been excused for any of these reasons will be considered an unexcused absence.

In the event of an illness, parents must call the school and inform the Mascoma Valley Regional School District of the student's illness and absence. For other absences, parents must provide written notice or a written excuse that states one of these reasons for non-attendance. The Principal may require parents to provide additional documentation in support of their written notice, including but not limited to doctor's notes, court documents, obituaries, or other documents supporting the claimed reason for non-attendance.

If parents wish for their child to be absent for a reason not listed above, the parent must provide a written explanation of the reason for such absence, including why the student will be absent and for how long the student will be absent. The Principal will make a determination as to whether the stated reason for the student's absence constitutes good cause and will notify the parents via telephone and writing of his/her decision. If the Principal determines that good cause does not exist, the parents may request a conference with the Principal to again explain the reasons for non-attendance. The Principal may then reconsider his/her initial determination. However, at this juncture, the Principal's decision shall be final.

## **Family Vacations/Educational Opportunities**

Generally, absences other than for illness during the school year are discouraged. The school principal or his/her designee may, however, grant special approval of absence for family vacations, provided written approval is given in advance. Parents are asked to write a note to their child's teacher at least two weeks before the trip. This advance planning will allow the teacher enough time to work with parents and the student regarding homework completion.

## **Truancy**

Truancy is defined as any unexcused absence from class or school. Any absence that has not been excused for any of the reasons listed above will be considered an unexcused absence.

Ten half-days of unexcused absence during a school year constitutes habitual truancy.

A half-day absence is defined as a student missing more two hours of instructional time and less than three and one-half hours of instructional time.

Any absence of more than three and one-half hours of instructional time shall be considered a full-day absence.

The Principal or Truant Officer is hereby designated as the Mascoma Valley Regional School District employee responsible for overseeing truancy issues.

### **Intervention Process to Address Truancy**

The Principal shall ensure that the administrative guidelines on attendance properly address the matter of truancy by including a process that identifies students who are habitually truant, as defined above.

When the Principal identifies a student who is habitually truant or who is in danger of becoming habitually truant, he/she shall commence an intervention with the student, the student's parents, and other staff members as may be deemed necessary. The intervention shall include processes including, but not limited to:

- Investigation of the cause(s) of the student's truant behavior;
  - Consideration of the modification of the student's educational program to meet needs that may be causing the truancy;
  - Involvement of the family or guardian(s) in the development of a plan to reduce or eliminate the truancy;
  - Determination as to whether MVRSD's record keeping and parental notification procedures in accordance with policy JH have had a positive effect on the student's attendance; and
5. Consideration of the alteration of/or elimination of disciplinary measures for truancy.

### **Parental Involvement in Truancy Intervention**

When a student reaches habitual truancy status or is in danger of reaching habitual truancy status, the Principal will send the student's parent a letter which includes:

1. A statement that the student has become or is in danger of becoming habitually truant;
2. A statement of the parent's responsibility to ensure that the student attends school; and
3. A request for a meeting between the parents and the Principal to discuss the student's truancy and to develop a plan for reducing the student's truancy.

### **Developing and Coordinating Strategies for Truancy Reduction**

The Mascoma Valley Regional School Board encourages the administration to seek truancy-prevention and truancy-reduction strategies along the recommendations listed below. However, these guidelines shall be advisory only. The Superintendent is authorized to develop and utilize other means, guidelines and programs aimed at preventing and reducing truancy.

1. Coordination of truancy prevention strategies for all school sites. Strategies will be based on early interventions, such as prompt notifications to families or guardians when attendance issues appear.
2. Provision of assistance (strategies, resources, referral procedures, etc.) to school staff as they design site-based attendance plans.

3. Adoption of district wide or site-based attendance incentive programs.

### Parental Notification of Truancy Policy

Prior to adopting this policy, the Mascoma Valley Regional School Board will place the item on the agenda of a public school board meeting and will allow two weeks for public input as to the policy's provisions. Any public input shall be advisory only and final adoption as to the policy's provisions will remain solely with the Mascoma Valley Regional School Board.

Additionally, the Superintendent shall also ensure that this policy is included in or referenced in the student handbook and is mailed to parents annually at the beginning of each school year.

### Legal References:

*RSA 189:34, Appointment*

*RSA 189:35-a, Truancy Defined*

*RSA 193:1, Duty of Parent; Compulsory Attendance by Pupil*

*RSA 193:7 Penalty*

*RSA 193:8, Notice Requirements*

*RSA 193:16 Bylaws as to Nonattendance*

*NH Code of Administrative Rules, Section Ed 306.04 (a)(1), Attendance and Absenteeism*

*NH Code of Administrative Rules, Section Ed 306.04 (c), Policy Relative to Attendance and Absenteeism*

*\*\*Note: RSA's are subject to change. See the NH Government website for the most current RSA information.*

Board Adopted: 10/12/10

Reviewed EIC: 10/18/18; First Reading: 11/13/18; Second Reading/Adopted: 12/4/18

## JH-R2 - MASCOMA VALLEY REGIONAL SCHOOL DISTRICT

### ATTENDANCE CONTRACT

Date: \_\_\_\_\_

Student: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

\* \* \* \* \*

### THE STUDENT SHALL

- Attend school and all assigned classes on time each day that school is in session except for major illness, injury, etc., excused by the parent **AND** school principal or designee.
- Obey all school rules/directions given by the school staff, to the best of his/her ability.
- Complete and turn in on time all assignments/homework, to the best of his/her ability.

I. \_\_\_\_\_

II. \_\_\_\_\_

## THE PARENT/GUARDIAN SHALL

- A. Assist the child in getting to school and to the first class of the day on time each day that school is in session except for major illness, injury, etc., excused by the parent **AND** school principal or designee.
- B. When the child is to be absent:
  1. Contact the school the same day of the absence to explain the absence. You may also choose to bring the child to the School Nurse to have the Nurse verify that the child is unable to attend.
  2. When the child returns to school, send a note with the child stating the reason for the absence. Have the child take the note to the main office.
  3. When taking the child to see a doctor, get a written note from the doctor stating the child was seen and the number of days to be excused from school. Have the child take the note to the main office.

III. \_\_\_\_\_

IV. \_\_\_\_\_

## THE SCHOOL SHALL

V. \_\_\_\_\_

VI. \_\_\_\_\_

VII. \_\_\_\_\_

As child/parent/guardian, we understand and agree to the terms and conditions of the Attendance Contract and as parent/guardian I agree to support my/our child in this plan. I/we further understand that failure to comply with the Attendance Contract may result in a Truancy Filing in Family Court. In the event this should occur, both child and parent/guardian may be held responsible by the court for failure to comply with the Attendance Contract.

|                            |                                    |
|----------------------------|------------------------------------|
| _____<br>Student Signature | _____<br>Parent/Guardian Signature |
|----------------------------|------------------------------------|

|                          |                                    |
|--------------------------|------------------------------------|
| _____<br>School Official | _____<br>Parent/Guardian Signature |
|--------------------------|------------------------------------|

Board Adopted: 10/12/10; Reviewed by EIC: 11/15/18

## JI - STUDENT RIGHTS AND RESPONSIBILITIES

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

### ***Related Policies: JIC & JICD***

Mascoma Valley Regional School District student rights and responsibilities shall be published annually in the applicable student handbook, and will be made available in another language or presented orally upon request. Student disciplinary procedures will be implemented pursuant to Board Policies JIC and JICD.

### **Legal References:**

*RSA 189:15, Regulations*

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

*NH Code of Administrative Rules, Section Ed 306.04(f), Student Discipline*

*NH Code of Administrative Rules, Section Ed 317.04(b), Disciplinary Procedures*

***Legal References Disclaimer:*** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor*

*as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

First Reading: 7/28/15

Second Reading and Approval: 8/11/15

Reviewed/1<sup>st</sup> Reading: 4/6/21; 2<sup>nd</sup> Reading/Adopted: 4/27/21

Review/1<sup>st</sup> Reading: 10/8/24; 2<sup>nd</sup> Reading/Adopted: 10/22/24

## **JIC - STUDENT CONDUCT**

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

### **A. General Policy.**

The Mascoma Valley Regional School Board is committed to promoting a safe, healthy, orderly and supportive school and learning environment. To achieve that for all, it is important for students to conduct themselves in a manner fitting to their age level and maturity, and with respect and consideration other students, District personnel and other members of the community. Students are expected and required to maintain appropriate behavior that allows teachers and staff to perform their professional duties effectively and without disruption while on School District property or on property within the jurisdiction of the School District (including vehicles); and/or while attending or engaged in school activities.

Expectations for student conduct and standards of behavior shall be communicated through written Board policies, as well as District and/or school rules. Those policies and rules should be included in a Code of Conduct for each school.

Student conduct that causes material or substantial disruption to the school environment, interferes with the rights of others, presents a threat to the health and safety of students, employees, or visitors, and/or violates the Code of Conduct, or classroom rules is prohibited. Response to violations of the Code of Conduct, however, should be designed to maximize student academic, emotional and social success, while at the same time assuring safety of all students, staff and school visitors. With this objective, the Board endorses adoption of a Multi-Tiered System of Support for Behavioral Health and Wellness (“MTSS-B”) as the framework for the Code of Conduct. District personnel who interact with students are expected to utilize progressive disciplinary measures, and to place emphasis on educating students so they may grow in self-discipline. Suspensions and expulsions shall be administered consistent with the applicable Code of Conduct and Board policy JICD.

### **B. Student Code of Conduct**

The School Board delegates to the Superintendent, in consultation with the appropriate building Principal and counselors, the responsibility of adopting and implementing a [Student Code of Conduct] with such age-appropriate rules and regulations for each school as he/she deems necessary to implement the objectives of this policy, and reflects the three-tiered support prevention of framework of MTSS-B: school-wide approaches; targeted supports for at-risk students; and individualized services for highest-needs students.

The Code of Conduct for each school shall be submitted to the School Board for review each year, either separately or with the applicable student handbook. Consistent with the Board's statutory authority, and other

Board policies regarding review of administrative rules, regulations and procedures, the School Board retains the authority to modify, supersede, or suspend any provision of the Code of Conduct.

The Code of Conduct shall include:

1. a graduated and age-appropriate system of supports and intervention strategies, such as:
  - a. parent conferences,
  - b. counseling,
  - c. peer mediation,
  - d. instruction in conflict resolution and anger management,
  - e. parent counseling and training,
  - f. community service, and
  - g. rearranging class schedules;
2. graduated and age-appropriate disciplinary consequences such as:
  - a. restriction from extra-curricular activities,
  - b. temporary (same day) removal from class or activity,
  - c. detention,
  - d. temporary reassignment/in-school suspension,
  - e. out-of-school suspension, and
  - f. expulsion;
3. provisions describing how and when short term suspensions of up to 5 days, short-term suspensions up to 10 days, long-term suspensions up to 20 days, and/or expulsion should be imposed. These standards shall make reference to and reflect:
  - a. the nature and degree of disruption caused to the school environment;
  - b. the threat to the health and safety of pupils and school personnel, volunteers or visitors;
  - c. whether the conduct or behavior is isolated or repeated;
  - d. that all temporary (same day) removal from classrooms or activities, restriction from activities, detentions, suspensions and expulsions shall comport with applicable laws, regulations and Board policy JICD; and
4. information regarding RSA 193:13, 193-D, this policy, Board policy JICD, and other Board policies or District/school rules regulating student conduct on and off-campus.

### **C. Implementation and Notice.**

The Superintendent shall assure that the Code of Conduct, complete with the information set out in section B.4, above, shall be printed in full in each student handbook, made available to parents at the beginning of the school year, publicly available on the school, District and, if different, the SAU district websites. The online publications of the Code(s) of Conduct shall be ADA compliant (see also Board policy KEE). Additionally, Building Principals shall ensure that verbal recitation of the applicable Code of Conduct is available as needed.

Except where the complete text of a statute, regulation or policy is required, the Code of Conduct should include age-appropriate language. E.g., summaries for elementary grade levels.

Additionally, building Principal(s) shall assure student awareness of the Code of Conduct and other District policies and building rules through print, postings and periodic announcements.

The Superintendent should also designate personnel to explore the availability of and pursue any State or Federal grants, technical assistance and professional development opportunities available to facilitate implementation of MTSS-B per RSA 135-F:5, I(c) and (d).

## D. Parental Notification of Simple Assaults.

Pursuant to RSA 193-D:4, I (b), the Superintendent is directed to adopt and implement procedures requiring parents/guardians of each student involved in a simple assault (victim and perpetrator) occurring during the school day, when such assault causes: any form of bodily injury, including bruising or discoloration, or would otherwise constitute a disciplinable offense under the Code of Conduct. For purposes of this policy, "simple assault" shall have the same meaning as that provided in RSA 631:2-a (a simple assault occurs when one purposefully or knowingly causes bodily injury or unprivileged physical contact with another; or recklessly causes bodily injury to another or negligently causes bodily injury to another by means of a deadly weapon).

## E. Disciplinary Removal of Students with Disabilities.

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

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

| NH Statutes                               | Description                                                                              |
|-------------------------------------------|------------------------------------------------------------------------------------------|
| RSA 135-F:5                               | <a href="#">System of Care for Children/Duties of Commissioner of Dept. of Education</a> |
| RSA 193-D:4                               | <a href="#">Written Report Required (Safe School Zones)</a>                              |
| RSA 193:13                                | <a href="#">Suspension and Expulsion of Pupils</a>                                       |
| RSA 631:2-a                               | <a href="#">Simple Assault</a>                                                           |
| NH Dept of Ed Regulation                  | Description                                                                              |
| N.H. Code Admin. Rules Ed 306.04(b)(3)(e) | <a href="#">Student Discipline</a>                                                       |
| N.H. Code Admin. Rules Ed 306.06          | <a href="#">Culture and Climate</a>                                                      |
| N.H. Code Admin. Rules Ed 317.04(b)       | <a href="#">Disciplinary Procedures</a>                                                  |

## Cross References

| Code | Description                                                     |
|------|-----------------------------------------------------------------|
| ACN  | <a href="#">Accommodation of Nursing Mothers</a>                |
| EEAA | <a href="#">Video and Audio Surveillance on School Property</a> |
| JJ   | <a href="#">Student Rights and Responsibilities</a>             |
| JICA | <a href="#">Student Dress Code</a>                              |
| JICC | <a href="#">Student Conduct on School Buses</a>                 |

|           |                                                                                                     |
|-----------|-----------------------------------------------------------------------------------------------------|
| JICC-R(1) | <a href="#">Student Conduct on School Buses - School Bus Conduct Rules</a>                          |
| JICD      | <a href="#">Student Discipline and Due Process</a>                                                  |
| JICD-R(1) | <a href="#">Student Discipline and Due Process - Memorandum of Understanding</a>                    |
| JICDD     | <a href="#">Student Discipline/Out-of-School Actions</a>                                            |
| JICI      | <a href="#">Weapons on School Property</a>                                                          |
| JICK      | <a href="#">Pupil Safety and Violence Prevention</a>                                                |
| JICK-R(1) | <a href="#">Pupil Safety and Violence Prevention - Report Form</a>                                  |
| JICK-R(2) | <a href="#">Pupil Safety and Violence Prevention - Bullying Report Form</a>                         |
| JICK-R(3) | <a href="#">Pupil Safety and Violence Prevention - School Board Notification of Bullying Report</a> |
| JIJ       | <a href="#">Student Protests, Demonstrations and Strikes</a>                                        |
| JLDBA     | <a href="#">Behavior Management &amp; Intervention</a>                                              |
| KEE       | <a href="#">Website Accessibility and Grievance</a>                                                 |
| KFA       | <a href="#">Conduct on School Property</a>                                                          |
| KFA-R(1)  | <a href="#">Conduct on School Property - Assaults</a>                                               |

First Reading: 8/11/15; Second Reading: 8/25/15

Reviewed by EIC: 1/17/19; 1<sup>st</sup> Reading: 2/12/19; 2<sup>nd</sup> Reading & Adopted: 2/26/19

Reviewed/1<sup>st</sup> Reading: 4/6/21; 2<sup>nd</sup> Reading/Adopted: 4/27/21

Review/1<sup>st</sup> Reading: 7/22/25; 2<sup>nd</sup> Reading/Adopted: 8/12/25

## **JICA - STUDENT DRESS CODE**

### ***Category: Optional***

### ***Related Policies: JIC***

The Mascoma Valley Regional School Board recognizes that student individual dress is primarily a parental responsibility that should reflect concern for health and safety of students, staff and others. When the dress of an individual student constitutes a health problem, is unsuitable for school wear, is a danger to any person, or causes a substantial and material disruption or substantial disturbance, the principal shall take appropriate action to correct the situation.

The dress code within each school shall be administered fairly, consistently, and equally to all students. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code relative to students' gender, gender identity, sexuality, race, ethnicity, household income, or body type or size.

Enforcement must accommodate clothing worn by students as an expression of religious beliefs (e.g., head scarves) and worn by students with disabilities (e.g., protective helmets). Enforcement shall not indirectly discriminate against students based on hair texture and or hairstyles, including, but not limited to, braids, locks, and twists.

### **District Standards:**

1. **Students must wear:**

1. A Shirt/dress (with fabric in front, back, under the arms, with straps/sleeves and covering the mid-section);
  2. Pants, skirt, leggings, shorts, etc.; and
  3. Shoes.
2. Students must not wear:
- a. Tops that do not completely cover the mid-section;
  - b. Caps, hats, and other head gear;
  - c. Clothing depicting hate speech, offensive, vulgar, or racist language or pictures;
  - d. And clothing that glorifies, encourages or promotes the use of alcohol or drugs.

Building Principals shall assure that any District or School standards are included in the Student Handbook and otherwise communicated to students annually.

Notwithstanding District or School standards, some courses and school activities may require adjustments to attire and hairstyle or may require specific attire to ensure safety during academic activities (e.g., science labs or PE).

Students who violate this policy will be given an opportunity to correct the situation by either changing the clothing, removing the clothing (if appropriate), wearing it inside-out, or other means as determined by the principal so the student is in compliance with this policy. Students who repeatedly violate this policy may face more severe punishment, including detention, in-school suspension, or out-of-school suspension.

School staff shall not confront students on dress-code violations in a manner that unnecessarily disciplines or publicly shames the student. When a school staff member or school administrator discusses a dress code violation with a student, it is recommended that another adult should be present and at least one of the two adults should be the same sex as the student.

### **Legal References:**

U.S. Constitution, 1<sup>st</sup> Amendment  
RSA 189:15, Regulations  
RSA 193:38, Discrimination in Public Schools

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

Reviewed by EIC: 4/19/18; 1<sup>st</sup> Reading: 5/8/18; 2<sup>nd</sup> Reading: 5/22/18; Adopted 5/22/18  
Reviewed by EIC: 9/20/18; 1<sup>st</sup> Reading: 10/9/18; Second Reading 10/23/18; Adopted: 10/23/18  
Reviewed/1<sup>st</sup> Reading: 2/28/23; 2<sup>nd</sup> Reading/Adopted: 3/21/23

## **JICC - STUDENT CONDUCT ON SCHOOL BUSES**

**Category: Recommended**

**Related Policies: EEA, JIC & JICD**

Students using school buses and other Mascoma Valley Regional School District transportation are under the jurisdiction of the School from the time they board the bus until they exit the bus. Additionally, Board Policy JICDD applies to “out-of-school” student conduct, including, but not limited to, conduct at or near school bus stops.

The Superintendent or his/her designee will develop rules and regulations for conduct on buses. See District administrative School Bus Conduct Rules JICC-R and these shall be printed in the Parent-Student Handbook, made available on the District and/or school website, and provided in other languages as needed.

Failure to abide by the School Bus Conduct Rules Continued, disorderly conduct or persistent refusal to submit to the authority of the driver may result in a student to be denied or suspended from the privilege of transportation in accordance with the RSA 189:9-a, and applicable District rules and procedures. See JICC-R. Additionally, conduct on District transportation is subject to additional interventions, supports or consequences as provided in the Student Code of Conduct.

If a student is to lose the privilege of riding the bus (“transportation suspension”), advance warning will be given, except for misconduct that threatens or the health, safety or welfare of other students, staff or any other person. Parents/guardians of students who have had bus privileges suspended have a right to appeal the suspension within 10 calendar days to the person who issued the original suspension. Transportation suspensions exceeding 20 days must be approved by the Board. Transportation suspensions shall not begin until the next school day following the day written notification of suspension is sent to the pupil’s parent/guardian. The Superintendent shall include such appeal and review procedures in the School Bus Conduct Rules referenced in the preceding paragraph. Transportation suspensions may extend to all District transportation according to the Student Bus Conduct Rules.

Students transported in a school bus shall be under the authority of the District and under control of the bus driver. The driver of the bus, along with the bus monitor, if applicable, is responsible for the orderly conduct of the students transported. Each driver and monitor has the support of the Board in maintaining good conduct on the bus.

**Legal References:**

*RSA 189:6-a, School Bus Safety*

*RSA 189:9-a, Pupils Prohibited for Disciplinary Reasons*

*NH Code of Administrative Rules, Section Ed. 306.04(d)(1), School Safety*

*NH Code of Administrative Rules, Section Ed. 306.04(f)(4), Student Discipline*

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

Review/1<sup>st</sup> Reading: 2/8/22; 2<sup>nd</sup> Reading/Adopted: 2/22/22

**JICC-R -SCHOOL BUS CONDUCT RULES**

***Category: Recommended***

***Related Policies: EEA & JICC***

In order to ensure the safety of all students riding Mascoma Valley Regional School District provided school buses, appropriate behavior is required for all students. Transportation to and from school is an extension of the classroom and should be considered part of the school day. The issue of safety requires students to be on their best behavior while on school buses or vehicles.

The Student Code of Conduct applies to students at all times when being transported on school buses or other District provided transportation to and from school or school activities. Thus, while students may lose the privilege to ride the bus or other District transportation due to students' failure to maintain the behavioral expectations, students may also be subject to interventions and/or disciplinary consequences for the same behaviors according to the Student Code of Conduct.

### **1. Behavioral Expectations & Rules for School Buses and Other District Provided Transportation**

1. Students should arrive at the bus stop at least five (5) minutes before the bus is scheduled to arrive. The bus cannot wait for those who are not on time. If a student misses the bus, it is the parent/guardian's responsibility to transport the student to school.
2. Students shall wait in a safe place, clear of traffic until the bus stops, door is open, red flashing lights are on, and the driver has directed students to get on the bus.
3. Students shall wait in an orderly line.
4. Students may cross the road or street only in front of the bus only after the bus has come to a complete stop and upon direction of the driver (10-foot minimum crossing distance).
5. Students shall go directly to an available or assigned seat when entering the bus and move in toward the window.
6. Students shall remain seated until they have reached their designated stop and the bus has come to a complete stop. Aisles and exits must be kept clear at all times and emergency door will be used for emergencies only.
7. Students shall observe normal classroom conduct and obey the driver promptly and respectfully. The driver is in complete charge of the bus and his/her decisions and requests must be followed.
8. Students shall not engage in verbal abuse and/or use abusive language to others.
9. Students may carry only objects that can be held safely on his/her own lap. Musical instruments, athletic equipment bags and the like must be placed in the area designated by the driver.
10. Students shall refrain from throwing or passing objects on, from or into buses.
11. Students shall refrain from eating and drinking on the bus.
12. Students shall respect the rights and safety of others.
13. Students may ride only the bus that they have been assigned, and students may only board or exit at their assigned stops. (Exceptions will only be made with a note from a Principal or Principal's designee.)
14. Students are prohibited from extending head, arms or objects out of the bus windows, and are not allowed to open windows without permission of the driver.
15. Only authorized riders are permitted on the bus.
16. When necessary, students will be expected to sit three passengers to a seat.

17. Students are strictly prohibited from possessing or using tobacco, alcohol, drugs, or any controlled substance. In addition to any interventions or consequences pursuant to these rules or the Student Code of Conduct. The police will be notified whenever a student is involved with the possession and/or use of alcohol, drugs, or any illegal substances.
18. Students shall not use profane language or obscene gestures, and shall make any excessive noises while on the bus.
19. Fighting, wrestling or acts of physical aggression are strictly prohibited.
20. Students shall not deface or otherwise damage the bus, the driver's or any other students belongings while on the bus. Students/Parents will be held responsible for any and all damages to the bus caused by the student by way of vandalism or other intentional or reckless conduct.
21. Students shall not carry hazardous material, nuisance items or animals onto the bus.
22. Students are prohibited from hitching rides via bumper or other parts of the bus.

## **2. Response and Consequences for Misconduct on School Buses**

Students not adhering to the above expectations may receive consequences as described below. Any disciplinary action is at the discretion of the building principal or designee. However, **when a student engages in any conduct that threatens or impacts the health or safety of students, staff or others, the Principal or Superintendent may impose more significant and immediate consequences including lengthier transportation suspensions.**

The following will generally apply to violations of expectations 2 through 16:

First Referral: will result in a letter of warning with a copy sent to the student's parents/guardians, and a copy kept on file in the School Administrator's Office and the Business Administrator.

Second Referral: will result in one (1) hour after school detention. Parents/guardians must be notified prior to the implementation of the detention. It becomes the parents/guardians' responsibility to transport or arrange other transportation for their children home after a detention.

Third Referral: will result in an immediate five (5) day suspension from District transportation to and from school.

The following will generally apply to violations of expectations 17 through 22:

First Referral: will be an immediate five (5) day from all District transportation.

Second Referral: will be an immediate ten (10) day from all District transportation.

Third Referral: will result in the immediate suspension from all District transportation. "RSA 189:9 – Pupils prohibited for Disciplinary Reasons.

## **3. General Provisions Relating to Transportation/Bus Suspensions**

All transportation suspensions are measured by school days, not calendar days. Repeat transportation suspensions or suspensions over five (5) days will apply to all District transportation, including to and from school, as well as any school sponsored activity or program (e.g., field trips, athletic competitions, etc.).

Transportation suspensions shall not begin until the next school day following the day written notification of suspension is sent to the pupil's parent/guardian.

Any suspension to beyond twenty (20) school days must be approved by the school board.

If a pupils transportation privileges have been suspended for violations of the behavior rules or other disciplinary reasons, the parent or guardian of that pupil has right of appeal within ten (10) days of suspension to the authority who issued the suspension.

The Board should consult with counsel regarding the procedures to apply at any Board review or appeal regarding suspension of an individual's transportation privileges.

Until any appeal is heard, or if the suspension of pupil's privileges to ride the school bus is upheld, it shall be the parents' or guardians' responsibility to provide transportation to and from school for that pupil for the period of the suspension.

#### **4. Audio and Video Surveillance on School Buses**

Video cameras may be used on school buses to monitor student behavior. Audio recordings in conjunction with video recordings may also be captured on school buses, in accordance with the provisions of RSA 570-A:2. See Board Policy ECAF – Audio & Video Surveillance on School Buses.

#### **5. Students with Disabilities:**

Students with disabilities will be discipline in accordance with federal state law including the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, as set forth in the procedures developed by the administration.

#### **Legal References:**

RSA 189:6-a, School Bus Safety  
RSA 189:9-a, Pupils Prohibited for Disciplinary Reasons  
RSA 193:13, Suspension and Expulsion of Students

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

Review/1<sup>st</sup> Reading: 2/8/22; 2<sup>nd</sup> Reading/Adopted: 2/22/22

Review/1<sup>st</sup> Reading: 12/13/22; 2<sup>nd</sup> Reading Waived/Adopted: 12/13/22

## **JICD - STUDENT DISCIPLINE AND DUE PROCESS**

**Category: Priority/Required by Law**

**Related Policies: JI, JIC, JICI & JICK  
See also Appendix JICD-R**

## **A. Policy Statement.**

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

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

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

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

Removals under this policy are not appealable.

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

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

Restrictions under this policy are not appealable.

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

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

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

Detentions are not appealable.

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

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

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

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

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

A short-term suspension may be imposed only for:

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

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

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

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

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

A long-term suspension may only be imposed for:

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

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

2. Appeal of long-term suspension. Any long-term suspension issued other than by the School Board under this policy, is appealable to the School Board, provided the Superintendent or School Board chair receives the appeal in writing within ten (10) days after the issuance of the Superintendent's or other person designated under B.6.b, above hearing and written decision required under N.H. Dept. of Education Rule Ed. 317.04 (f)(3), and sub-paragraph B.6.b, above. The Board shall hold a hearing on the appeal, but will rely upon the record of the decision being appealed from.

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

3. Educational Assignments. As required by RSA 193:13, V, educational assignments shall be made available to students during both short- and long-term suspensions.
4. Alternative Educational Services. The school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended **in excess of 20 cumulative days** within any school year. The alternative educational services shall be designed to enable the pupil to advance from grade to grade.
5. Re-entry Meetings and Intervention Plans. Prior to returning to regular classes, a suspended student and parent/guardian (when available) shall meet with the building Principal or his/her designee to assist the student in smoothly returning to the school setting.

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

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

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

1. Grounds for Expulsion. An expulsion may only be imposed for an act that poses an ongoing threat to the safety of students or school personnel AND that constitutes:
  1. A repetition of an act that warranted long-term suspension under section B.6.b, above;
  2. Any act of physical or sexual assault that would be a felony if committed by an adult;
  3. Any act of violence pursuant to RSA 651:5, XIII;
  4. Criminal threatening pursuant to RSA 631:4, II(a); **OR**
  5. For bringing or possessing a firearm as defined in Section 921 U.S.C. Title 18 within a safe school zone as prohibited under RSA 193-D:1, or under the Gun Free School Zones Act, unless such pupil has written authorization from the Superintendent.

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

- a. The pupil's age.
  - b. The pupil's disciplinary history.
  - c. Whether the pupil is a student with a disability.
  - d. The seriousness of the violation or behavior committed by the pupil.
  - e. Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph B.6.b.ii, above.
  - f. Whether a lesser intervention would properly address the violation or behavior committed by the pupil.
2. Due Process to Be Afforded Prior to Expulsion. Prior to any expulsion, the District will ensure that the **due process standards set forth in Ed 317.04(f) through 317.04(j)**<sup>10</sup> are followed.
  3. Duration of Expulsion. An expulsion will run for the duration stated in the written decision or until the School Board or Superintendent restores the student's permission to attend school as provided in this policy. An expulsion relating to a firearm in a safe school zone per B.7.a.v, shall be for a period of not less than 12 months.
  4. Educational Services. The Superintendent is authorized, but not required, to arrange for educational services to be provided to any student residing in the District who has been expelled by the District or by any other school.

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

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

1. **Modification by Superintendent.** Subject to all other applicable laws, regulations, and Board policies, and paragraph C.3, below (relating to firearms), the Superintendent is authorized to reinstate any student who has been suspended or expelled from a school in this District, and/or enroll a student suspended or expelled from another school or district, on a case-by-case basis.
2. **Review and Reinstatement by Board.** A student may request the School Board (of the district of attendance) to review an expulsion decision prior to the start of each school year by filing a written request with the Superintendent detailing the basis of the request. The Board will determine whether and in what manner it will consider any such request after consultation with the Superintendent.
3. **Modification of Expulsion for Firearms.** A student who has been expelled from this District or any other public or private school for bringing or possessing a firearm in a safe school zone as prohibited under RSA 193-D:1, or under the Gun Free Schools Act, may only be reinstated or enrolled if the Superintendent first determines: possession of the firearm was inadvertent and unknowing; the firearm was for sporting purposes, unloaded and the student did not intend to display the firearm to any other person while within the safe schools zone; the student is/was in the fifth or lower grade when the incident occurred; or the Superintendent determines that the firearm was not loaded, that no ammunition was reasonably available, and that the pupil had no intention to display the firearm to other students.

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

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

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

**F. Superintendent and Principal Designees.**

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

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

If a student is disabled under the Individuals with Disabilities Act (IDEA), the New Hampshire RSA 186-C,

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

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

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

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

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

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

|                                                |                                                                                                  |
|------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <b>NH Case Law</b>                             | <b>Description</b>                                                                               |
| 162 N.H. 38, 27 A.3d 689 (2011)                | <a href="#"><u>In re Keelin B.</u></a>                                                           |
| <b>NH Statutes</b>                             | <b>Description</b>                                                                               |
| RSA 159:26                                     | <a href="#"><u>Firearms, Ammunition, and Knives; Authority of the State</u></a>                  |
| RSA 186-C                                      | <a href="#"><u>Special Education</u></a>                                                         |
| RSA 189:15                                     | <a href="#"><u>Regulations</u></a>                                                               |
| RSA 193-D                                      | <a href="#"><u>Safe School Zones</u></a>                                                         |
| RSA 193:13                                     | <a href="#"><u>Suspension and Expulsion of Pupils</u></a>                                        |
| RSA 631:4                                      | <a href="#"><u>Criminal Threatening</u></a>                                                      |
| RSA 651:5, XIII                                | <a href="#"><u>“Act of Violence”</u></a>                                                         |
| <b>NH Dept of Ed Regulation</b>                | <b>Description</b>                                                                               |
| N.H. Code Admin. Rules Ed 1100                 | <a href="#"><u>Chapter Ed 1100 Standards for the Education of Children with Disabilities</u></a> |
| N.H. Dept. of Ed. Admin. Rule – Ed. 1102.01(t) | <a href="#"><u>N.H. Dept. of Ed. Admin. Rule – Ed. 1102.01(t)</u></a>                            |
| N.H. Dept. of Ed. Admin. Rule – Ed. 1124.01    | <a href="#"><u>N.H. Dept. of Ed. Admin. Rule – Ed. 1124.01</u></a>                               |
| NH Code of Admin. Rules, Sect. Ed 317.04       | <a href="#"><u>Suspension and Expulsion of Pupils Assuring Due Process</u></a>                   |
| NH Code of Admin. Rules, Sect. Ed. 306.04(g)   | <a href="#"><u>Disciplinary Procedures</u></a>                                                   |
| NH Code of Admin., Sect. Ed 306.04(a)(3)       | <a href="#"><u>Suspension &amp; Expulsion</u></a>                                                |
| NH Code of Admin., Sect. Ed 306.04(f)          | <a href="#"><u>Student Discipline</u></a>                                                        |
|                                                | <a href="#"><u>Student Discipline</u></a>                                                        |

| <b>Federal Statutes</b>  | <b>Description</b>                                                      |
|--------------------------|-------------------------------------------------------------------------|
| 18 U.S.C. 921 et seq.    | <a href="#">Firearms</a>                                                |
| 20 U.S.C. § 1400-1417    | <a href="#">Individuals with Disabilities Education Act (IDEA)</a>      |
| 20 U.S.C. § 7151         | Gun-Free Schools Act                                                    |
| 29 U.S.C. 794            | <a href="#">Rehabilitation Act of 1973 (Section 504)</a>                |
| 42 U.S.C. 12101, et seq. | <a href="#">Title II of The Americans with Disabilities Act of 1990</a> |

## **Cross References**

| <b>Code</b> | <b>Description</b>                                                                                          |
|-------------|-------------------------------------------------------------------------------------------------------------|
| ECAC        | <a href="#">Vandalism</a>                                                                                   |
| EEAA        | <a href="#">Video and Audio Surveillance on School Property</a>                                             |
| IHBA        | <a href="#">Programs for Pupils with Disabilities</a>                                                       |
| IHBA-R(1)   | <a href="#">Programs for Pupils with Disabilities - Section 504 - Notice of Parent &amp; Student Rights</a> |
| IHBAM       | <a href="#">District Special Education Policy and Procedures Manual</a>                                     |
| IKL         | <a href="#">Academic Honesty and Integrity</a>                                                              |
| JI          | <a href="#">Student Rights and Responsibilities</a>                                                         |
| JIC         | <a href="#">Student Conduct</a>                                                                             |
| JICC        | <a href="#">Student Conduct on School Buses</a>                                                             |
| JICC-R(1)   | <a href="#">Student Conduct on School Buses - School Bus Conduct Rules</a>                                  |
| JICI        | <a href="#">Weapons on School Property</a>                                                                  |
| JICK        | <a href="#">Pupil Safety and Violence Prevention</a>                                                        |
| JICK-R(1)   | <a href="#">Pupil Safety and Violence Prevention - Report Form</a>                                          |
| JICK-R(2)   | <a href="#">Pupil Safety and Violence Prevention - Bullying Report Form</a>                                 |
| JICK-R(3)   | <a href="#">Pupil Safety and Violence Prevention - School Board Notification of Bullying Report</a>         |
| JIJ         | <a href="#">Student Protests, Demonstrations and Strikes</a>                                                |
| JLDBA       | <a href="#">Behavior Management &amp; Intervention</a>                                                      |

Approved: September 24, 2013

Reviewed by EIC: 1/17/19; 1<sup>st</sup> Reading: 2/12/19; 2<sup>nd</sup> Reading & Adopted: 2/26/19

1<sup>st</sup> Reading: 10/13/20; 2<sup>nd</sup> Reading/Adopted: 10/27/20

Reviewed/1<sup>st</sup> Reading: 4/6/21; 2<sup>nd</sup> Reading/Adopted: 4/27/21

Reviewed/1<sup>st</sup> Reading: 10/12/21; 2<sup>nd</sup> Reading/Adopted: 10/26/21

Reviewed/1<sup>st</sup> Reading: 10/22/24; 2<sup>nd</sup> Reading/Adopted: 11/12/24

## **JICD-R MEMORANDUM OF UNDERSTANDING**

### **for administering the Provisions of RSA 193-D**

#### **Safe School Zones**

### **1. General Principles**

The Mascoma Valley Regional School Board and the Canaan, Enfield, Grafton and NH State Police Departments agree to work in a cooperative effort to provide a safe and healthy school environment for

students, staffs and visitors. In furtherance of that effort, this Memorandum of Understanding is intended to comply with the provisions of RSA 193-D Safe School Zones. The Board and the Police Department further agree to respond effectively to incidents of school delinquency or criminal behavior in school, on school grounds, and at school sponsored events.

This memorandum deals with the law enforcement response to any incident involving the possession, use, sale or distribution of alcohol and other drugs in a school setting or during any school sponsored activity. This memorandum also addresses the efforts by- the school and police to respond to incidents of violence; weapons possession; or acts of theft, violence or destruction, on school property and at school functions, under the provisions of and in concert with the implementation of the Safe Schools Act, RSA 193-D. This Memorandum applies to reportable behavior of adults, as well as, children.

The School Board and the Police Department agree to coordinate these efforts with the local prosecuting Attorney's Office and the New Hampshire Department of Education.

The School Board recognizes that in cases of an emergency situation or imminent danger to students, staff or the community, the Police Department and the School District may act without regard to the Memorandum of Understanding. Nothing contained in this Memorandum is intended to limit the events that may be reported to the Police Department or limit school employees from requesting police assistance on matters not referred to in this Memorandum.

In the event either the School Board or the Police Department desires to amend this Memorandum, the agency seeking changes will arrange for meeting with the other.

## **2. Definitions**

The following terms, as defined in RSA 193:D-1 apply to this Memorandum:

"Safe School Zone" means an area inclusive to any school property or school buses.

"School" means any public or private elementary, secondary or secondary vocational-technical school in New Hampshire. It shall not include home schools.

"School Employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing, or perforating continuing contract services for any public or private school, school districts school department or school administrative unit.

"School property" means all real property, physical plan and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

"School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities.

## **3. School/Police Liaisons**

In order to facilitate prompt and clear communication of incidents School Board and the Police Department will designate individuals to serve as primary contact liaisons. The Superintendent of Schools shall designate the Principal at each school as that school's Reporting Official. He/she shall be responsible for handling all reportable incidents of: (1) drug/alcohol use, possession, sale and/or distribution; (2) assault or violence; (3) possession of weapons; and/or (4) theft or destruction of property. The School District liaison will communicate information on such incidents to the Police Department.

The Chief of Police shall designate a police officer(s) who shall be responsible for handling all reportable incidents brought to the attention of the Police Department by the school's Reporting Officials. In addition to

communication between the Reporting Official and the Police Officer on the specific incidents mentioned above, it is recommended that Official and Officer meet regularly to discuss the scope of these problems, and to identify strategies aimed at reducing them.

#### **4. Reportable Acts**

##### **A. School Reports to Police Department**

1. Mandatory: Notwithstanding the provisions of RSA 193-D, the Safe School Zone Act, the following incidents must be reported to the Police Department by the designated school employee:
  - a. Possession of alcohol by a minor or if it appears that a student is under the influence of alcohol or drugs on school property, or at school functions;
  - b. Possession, selling or distribution of any controlled substance (including drug paraphernalia) as defined in NH RSA 318-B, by an individual on school property, or at school functions;
  - c. Any incident in which any individual who is responsible for, suspected of, or determined to be selling or distributing drugs or alcohol on school property, or at school functions,;
  - d. Unlawful possession, sale, or use of firearms or other dangerous or prohibited weapons, fireworks and explosives, as defined in NH RSA's 208, 644 and 159, on school property, or at school functions;
  - e. Arson under RSA 634:1 any person who knowingly starts any fire or causes any explosion which results in injury, damage to property of another, or is done with intentional disregard for the safety of others;
  - f. Burglary under RSA 635: any person who enters a building to separately secured section of a building, with a purpose to commit a crime;
  - g. Robbery under RSA 636: including any theft that is accomplished by the physical force or the threat of imminent use of force;
  - h. Thefts of property where the value is more than \$50.00, repeated occurrences of theft by one student, (thefts by students who are in the eighth grade or lower are generally not reported to the Police);
  - i. Homicides under RSA 630: any death shall immediately be reported to the Police Department, regardless of suspected cause;
  - j. Any first or second degree assault under RSA 63 1, whereby an injury occurs to a person, requiring medical treatment beyond basic first aid or requiring outside medical follow up, caused by another person. Investigation may reveal that not all if these incidents constitute an actual crime. Reporting will allow an investigation to be conducted;
  - k. Any sexual assault under RSA 632-A will be reported;
  - l. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of \$50 or more of damage. This includes vandalism to school property;
  - m. Threatening behavior under RSA 631:4 which purposely places or attempts to place another in fear of imminent bodily injury or physical contact.
2. Discretionary Reporting Events are up to the Discretion of the Building Principal.
  - a. Refusal or neglect to conform to reasonable rules of the school or to clear non-injurious directions given by staff member.
  - b . Simple assault incidents (which don't meet the criteria as stated in j. above), depending upon the nature of the incident, as determined by the school administration.

- c. Theft, under RSA 637, of property under \$49.
- d. Criminal Mischief under RSA 634:2, purposely or recklessly damaging the property of another, resulting in a value of \$49 or less of damage. This includes vandalism to school property.

#### B . Police Department Reports to School

- 1 . The following information shall be reported by the Police Department to the School Principal:
  - a. An arrest made by the Police Department of a student, when such information is relevant to the safety of that student, or of other students in the school, where the law allows.
- 2 . The following information may be shared with school Administration by the Police Department, subject to applicable statutes and regulations governing confidentiality:
  - a. The arrest and filing of a delinquency complaint against any student under the age of 17 years.
  - b . Other non-criminal activity that the Police Department deems pertinent to the student's well-being, including but not limited to threatening to attempt suicide; victimization of the student by a parent, caretaker or other individual).

### **5. Procedures for Reporting**

A. It is agreed that every school employee who has witnessed, or has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school Principal. The Principal shall then contact the Police Department by telephone and report the incident. The Principal shall also provide the Police Department with a written report within 48 hours of the incident.

B. The report required shall include:

- 1. Identification of the act of theft, destruction, or violence that was alleged.
- 2. The name and address of witnesses to the alleged act.
- 3. The name and home address of any person suspected of committing the act.

C. The written report required above shall be waived when there is a law enforcement response at the time of the incident which results a written police report.

#### D. School Response

- 1 . A teacher or other school employee who has reasonable grounds to believe that a student has committed a reportable act shall:
  - a. Confront the student with the nature of the offense;
  - b. Take the student to the Principal's office;
  - c. Retrieve and turn over any physical evidence to the Principal.
- 2. For Mandatory Reportable acts, the Principal shall:
  - a. Notify the police and student's parent/guardian, and inform them of the nature of the incident;
  - b. Turn over any physical evidence seized and a written fact summary to the Police Department;
  - c. Initiate disciplinary action in accordance with Board policies.
- 3. For Discretionary Reportable Acts, the Principal shall:
  - a. Determine if the police and parent/guardian should be notified and, if so, make the calls as soon as reasonably possible. Any incident reported to the Police shall also be reported to the student's

parent/ guardian;

b. Initiate disciplinary action in accordance with Board policies.

#### E . Police Response

- (1) The Police Officer will make contact with the school as soon as possible after receiving a report from the Principal to investigate the incident, or take any other appropriate action.
- (2) During the investigation, the Police Officer may meet with the Principal, the student, the student's parent/guardian and appropriate persons with knowledge of pertinent facts, if required.
- (3) If at the conclusion of the investigation, the student is found to have committed the alleged offense, the Police Officer may initiate the formal complaint process.
- (4) When the Police Officer is called to the school in response to offenses involving the sale and/or distribution of drugs or alcohol, violent behavior, or the possession of a weapon, and when probable cause exists for arrest, the Officer shall take the appropriate action to initiate the formal complaint process.
- (5) To the extent possible, precautions will be taken by both Police and school officials at all times to ensure the education process is not disrupted.

For the Canaan Elementary School: \_\_\_\_\_ Date: \_\_\_\_\_  
**Principal**

For the Enfield Elementary School: \_\_\_\_\_ Date: \_\_\_\_\_  
**Principal**

For the Indian River School: \_\_\_\_\_ Date: \_\_\_\_\_  
**Principal**

For the Mascoma Valley Regional High School: \_\_\_\_\_ Date: \_\_\_\_\_  
**Principal**

For the Mascoma Valley Regional School District: \_\_\_\_\_ Date: \_\_\_\_\_  
**Superintendent**

For the Mascoma Valley Regional School Board: \_\_\_\_\_ Date: \_\_\_\_\_  
**MVRSB Chairperson**

For the Enfield Police Department: \_\_\_\_\_ Date: \_\_\_\_\_  
**Chief of Police**

For the Canaan Police Department: \_\_\_\_\_ Date: \_\_\_\_\_  
**Chief of Police**

For the Grafton Police Department: \_\_\_\_\_ Date: \_\_\_\_\_  
**Chief of Police**

Presented to the Board on: 10/22/97

Adopted by the Board on: 1/7/97

Reviewed/1<sup>st</sup> Reading: 4/6/21; 2<sup>nd</sup> Reading/Adopted: 4/27/21

## **JICDD - STUDENT DISCIPLINE/OUT-OF-SCHOOL ACTIONS**

**Category:** *Recommended*

*See Also JIA, JIC, JICK*

The Mascoma Valley Regional School Board recognizes that out-of-school and off-campus student conduct is not normally the concern of the Board. However, the Board also recognizes that some out-of-school and off-campus conduct may have an adverse effect upon the school, school property, or school staff.

Therefore, it shall be the policy of this Board that the Board or school administrators may impose disciplinary measures against students for some out-of-school or off-campus conduct.

Discipline may be imposed if such out-of-school conduct causes a significant disruption or substantial interference with the school's educational mission, purpose, or objectives. Additionally, any off-campus or out-of-school behavior that has a strong potential to disrupt normal school operations may also be met with appropriate disciplinary actions.

Out-of-school and off-campus student conduct that may subject a student to discipline includes, but is not limited to:

1. Damaging school property;
2. Violence at or near the school's bus stop, either before or after the school day;
3. Drinking alcohol, using tobacco products, or using illegal drugs at or near the school bus stop, either before or after the school day;
4. Damaging the private property of school staff or employees; or
5. Any other activity the Board or administration determines impedes the general welfare of scholastic activities.

### **Cyber-Bullying and Internet Threats**

Reports and/or allegations of cyberbullying will be addressed in accordance with the provisions of Board policy JICK.

Consistent with applicable law, the Mascoma Valley Regional School District will not require or request that a student disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account.

However, the District may request to a student or a student's parent/guardian that the student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation.

### **Legal References:**

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

First Reading: 8/11/15; 2<sup>nd</sup> Reading: 8/25/15  
Review/First Reading: 10/27/20; 2<sup>nd</sup> Reading/Adopted: 11/10/20

## JICFA - HAZING

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

It is the policy of the Mascoma Valley Regional School District that no student or employee of the District shall participate in or be a member of any secret fraternity or secret organization that is in any degree related to the school or to a school activity. No student organization or any person associated with any organization sanctioned by the Board of Education shall engage or participate in hazing. This District does not permit or condone student hazing.

For the purposes of this policy, hazing is defined as any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when: (1) Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and (2) Such act is a condition of initiation into, admission into, continued membership in or association with any organization. Hazing includes but is not limited to an activity which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization sanctioned or authorized by the Board of Education.

"Endanger the physical health" shall include, but is not limited to, any brutality of a physical nature, such as whipping; beating; branding; forced calisthenics; exposure to the elements; forced consumption of any food, alcoholic beverage, drug or controlled dangerous substance; or any forced physical activity which could adversely affect the physical health or safety of the individual.

"Endanger the mental health" shall include any activity, except those activities authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

Any hazing activity upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by the Board of Education is conditioned, directly or indirectly, shall be presumed to be a forced activity, even if the student willingly participates in such activity.

This policy is not intended to deprive School District authorities from taking necessary and appropriate disciplinary action toward any student or employee. Students or employees who violate this policy will be subject to disciplinary action which may include expulsion for students and employment termination for employees.

The Superintendent shall take reasonable measures within the scope of the District's authority to prevent student hazing. All hazing reported to the District or which any District staff member has knowledge of shall be promptly reported to law enforcement, as required by RSA 631:7, Student Hazing.

A copy of this policy will be furnished to each student and teacher in the School District, including being printed in the student handbook.

**Legal Reference:**

*RSA 631:7, Student Hazing*

*New Hampshire Code of Administrative Rules, Section Ed 306.04(a)(7), Student Hazing*

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

Revised: July 1998, November 1999

Reviewed: October 2004

Revised: November 2007

Adopted: 10/14/08

Reviewed/1<sup>st</sup> Reading: 1/26/21; 2<sup>nd</sup> Reading/ Adopted: 2/9/21

## **JICH - DRUG AND ALCOHOL USE BY STUDENTS**

The Mascoma Valley Regional School Board is concerned with the health, welfare and safety of its students. Therefore, the use, sale, transfer, distribution, possession or being under the influence of unauthorized prescription drugs, alcohol, narcotics, unauthorized inhalants, controlled substances, illegal drugs is prohibited on any school district property, in any district-owned vehicle, or in any other district-approved vehicle used to transport students to and from school or district activities. This prohibition also applies to any district-sponsored or district-approved activity, event or function. The use, sale, transfer or possession of drug-related paraphernalia is also prohibited.

For the purposes of this policy, a controlled substance shall include any controlled substance as defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or RSA 318-B, Controlled Drug Act.

Students may only be in possession of medication as detailed in Mascoma Valley Regional School Board Policy JLCD. Searches of persons reasonably suspected to be in violation of this policy will be conducted in accordance with Mascoma Valley Regional School Board Policy JIH.

Any student who is found by the administration to be in violation of this policy shall be referred for prosecution and subject to disciplinary action up to and including suspension, expulsion or other discipline in accordance with the district's disciplinary policy. Strict compliance is mandatory. The school principal shall immediately report all incidents involving a controlled substance to the appropriate local law enforcement agency and the superintendent. All controlled substances shall be turned over to local law enforcement.

Students with disabilities who violate this policy will be disciplined in accordance with the student's Individual Education Program (IEP).

Reviewed by EIC: 04/25/19; 1<sup>st</sup> Reading: 5/14/19; 2<sup>nd</sup> Reading & Adopted: 5/28/19

## **JICI - WEAPONS ON SCHOOL PROPERTY**

Weapons are not permitted on Mascoma Valley Regional School District property, in school vehicles or at school-sponsored activities. This policy applies to students and members of the public alike. Student violations of this policy will result in the weapon being confiscated, law enforcement authorities will be notified and appropriate disciplinary action will be taken by the administration. Members of the public who violate this policy will be asked to immediately leave and remove the weapon from school property. Violations will be reported to local law enforcement authorities.

The term “weapons” includes, but is not limited to, firearms (rifles, pistols, revolvers, pellet guns, BB guns, etc.) knives, slingshots, metallic knuckles, firecrackers, billy-clubs, stilettos, switchblade knives, swords, canes, pistol canes, black jacks, daggers, dirk knives, explosives, incendiaries, martial arts weapons or self-defense weapons (as defined by RSA 159:24 and RSA 159:20 respectively), or any other object or substance which, in the manner it is used or threatened to be used, is known to be capable of producing death or bodily injury.

In addition, any student who is determined to have brought a firearm (as defined by 18 U.S.C. §921) to school will be expelled for not less than one year (365 days). This expulsion may be modified by the Superintendent upon review of the specific case in accordance with other applicable law.

Pursuant to the provisions of 20 U.S.C. § 7151, Gun-Free Schools Act, the Mascoma Valley Regional School Board requires the Superintendent to contact local law enforcement authorities and/or the Division of Children and Youth Services and notify them of any student who brings a firearm or weapon on school property.

Weapons under control of law enforcement personnel are permitted.

All students will receive written notice of this policy at least once each year.

Adopted by the Board on: 1/11/93

Revision adopted by the Board on: 11/22/94

Revision recommended and adopted on: 3/7/00

Revised to comply with 1995 statutory revision: 3/7/00

Revision sent to the Board on: 3/24/15

Sent back to EIC on: 4/16/15

Revision sent to Board on: 4/28/15

Second Reading and Approval: 5/12/15

## **JICJ - UNAUTHORIZED COMMUNICATION DEVICES**

### **A. Purpose**

The Mascoma Valley Regional School District is committed to providing students with a learning environment free from disruptions. Use of personal communication devices (cell phones, tablets, laptops, other communication devices, smartwatches, etc.) for nonacademic means often leads to disruptions in the learning environment for both individual students and the classroom.

For the purposes of this policy, a personal communication device is defined as any non-district provided internet/ cellular-capable device that can support voice or video calls, texts, emails, or instant messages. Personal communication devices include, but are not limited to: cellphones, tablets, laptops, and smartwatches.

For ease of reference, devices provided by the district for instructional use shall be referred to as "district-owned" or district-provided" devices.

## **B. Restrictions**

Student use of personal communication devices is **strictly prohibited** from when the first bell rings to start instructional time until the dismissal bell rings to end the academic school day (referred to as “the school day”). The school day includes lunch periods, passing time, and recesses.

Students participating in extracurricular activities, co-curricular activities, field trips or other activities outside of the school day shall abide by the rules and consequences established for personal communication devices set by the coach, instructor, sponsor or other designated supervisor for the activity. However, **in no event** shall personal communication devices (or any other device with photographic or recording capabilities) be used in locker rooms, bathrooms, or any other location where such use could violate another person’s reasonable expectation of privacy.

If digital devices are used to enhance learning in the classroom, the District is responsible for providing District-owned devices. ***Personal communication devices may be used during the school day ONLY when no district-provided devices are available for all students, and use of the personal communication device may ONLY be used for approved academic and instructional purposes. In accordance with this policy, no personal communication device be used during the school day for personal communication.***

While it is best practice that these devices are not brought to school, if these devices are brought to school, they shall be kept with the power turned off in a student's assigned locker, backpack, or handbag. The District will not be responsible for loss, damage or theft of any electronic communication device brought to the school.

## **C. Exceptions**

Students with medical needs, such as insulin pumps and glucose sensors, or disabilities that require a device to support their learning as identified by their individualized education program (IEP) or plan developed under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, or a multilingual student with appropriate language access programs and services pursuant to Title VI of the Civil Rights Act of 1964 shall be exempt from this policy. Additionally, the superintendent or their designee may approve additional exceptions on a case-by-case basis or through an administrative decision recorded in the student handbook, with respect to student medical, disability, or language proficiency needs.

## **D. Consequences and Violations**

Students are not permitted to use any electronic device to record audio or video media or take pictures of any student or staff member without their permission. The distribution of any unauthorized media may result in disciplinary action. The school reserves the right to monitor, inspect, copy, and review a student's personal electronic device subject to the limitations of RSA 189:70, if there is reasonable suspicion to believe that a student has violated board policies, regulations, school rules, or has engaged in other misconduct while using their personal electronic device.

Consequences for violations of this policy will be pursuant to the personal electronic communication devices procedures.

E. Review

The Superintendent shall annually review policy in collaboration with parents and teachers with a report and recommendations for policy changes to be delivered to the Board no later than April 1 of each school year.

F. Dissemination

The Superintendent shall ensure that information regarding the prohibition against using personal communication devices during the school day is included in all student handbooks, and included in "beginning of school year" materials provided to parents/guardians.

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

| NH Statutes  | Description                                                      |
|--------------|------------------------------------------------------------------|
| RSA 189:68   | <a href="#">Student Privacy</a>                                  |
| RSA 189:68-a | <a href="#">Student Online Personal Information</a>              |
| RSA 189:70   | <a href="#">Educational Institution Policies on Social Media</a> |
| RSA 644:21   | <a href="#">Searches of Portable Electronic Devices</a>          |

| Cross References |                                                                                                              |
|------------------|--------------------------------------------------------------------------------------------------------------|
| Code             | Description                                                                                                  |
| EHAB             | <a href="#">Data Governance and Security</a>                                                                 |
| EHAG             | <a href="#">Use of Generative Artificial Intelligence</a>                                                    |
| JIC              | <a href="#">Student Conduct</a>                                                                              |
| JICL             | <a href="#">School District Internet Access for Students</a>                                                 |
| JICL-R(1)        | <a href="#">School District Internet Access for Students - Acceptable Internet Use Procedures - Students</a> |

Revised: 1/28/14; 1<sup>st</sup> Reading: 2/11/14; Adopted: 3/4/14  
Review Communications Committee: 6/3/25; 1<sup>st</sup> Reading: 6/10/25; 2<sup>nd</sup> Reading/Adopted:6/24/25  
Review/1<sup>st</sup> Reading: 8/26/25; 2<sup>nd</sup> Reading/Adopted: 9/9/25

**JICK - BULLYING PREVENTION - PUPIL SAFETY AND VIOLENCE PREVENTION**

*Category: Priority/Required by Law*

1. **Purpose and Intent.** The Mascoma Valley Regional School District is committed to providing a safe and respectful learning environment for all students. Through education, prevention, and consistent enforcement, we aim to eliminate bullying and promote positive peer relationships for all of our students.
  - a. **Prohibition of Bullying or Cyberbullying of a Student** - RSA 193-F:4, II(a). This policy is intended to comply with and implement RSA 193-F. Bullying, in any form—whether physical, verbal, social, or cyber—is strictly prohibited and will not be tolerated. This policy defines bullying and related conduct, and establishes clear procedures for reporting, investigating, and responding to incidents.
  - b. **Protection of all School Aged Children** - RSA 193-F:4, II(c). This policy shall apply to all students and school-aged persons on school district grounds and participating in school district functions, whether or not such school-aged person is a student within the District and regardless of status.
  - c. **Prohibition of Retaliation and False Accusations** - RSA 193-F:4, II(b). This policy prohibits retaliation or false threats against a victim, witness, or anyone else who, in good faith, provides information about an act of bullying or cyberbullying.

2. **Definitions** - (RSA 193-F:3).

- a. **"Bullying"** means a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at any student which:

Bullying shall also mean and include actions motivated by an imbalance of power based on a student's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the student's association with another person and based on the other person's characteristics, behaviors, or beliefs.

As used throughout this or other Board policies, and unless the context indicates otherwise, the term "bullying" as used in this policy will include cyberbullying.

Bullying prohibited and covered by this policy includes any action or communication described above that

1. Physically harms a student or damages the student's property;
2. Causes emotional distress to a student;
3. Interferes with a student's educational opportunities;
4. Creates a hostile educational environment; or
5. Substantially disrupts the orderly operation of the school.
6. occurs on, is delivered to, school property or a school-sponsored activity or event on or off school property; or
7. Occurs off of school property or outside a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or any school-sponsored activity or event.

- b. "Cyberbullying" means conduct defined above as bullying committed or undertaken through the use of electronic devices. Unless the context indicates otherwise, the term "bullying" as used in this policy will include acts of cyberbullying.
  - c. "Electronic devices" includes, but is not limited to, telephones, cellular or smartphones, computers, pagers, or any other device which is used for or can transmit: voice calls or messages; electronic mail; text/instant or other verbal messaging; images or videos; and websites.
  - d. "Parent" means a person who has legal custody of a minor child as a natural or adoptive parent, as a legal guardian, or who is functioning in a parental role if the actual parent or guardian is absent from the child's daily life. Additionally, "parent" may include students who have been emancipated, either by age or legal process. The term "parent", shall not, however, include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.
  - e. "Perpetrator" means a student who engages in bullying or cyberbullying.
  - f. "Principal" shall mean and include the building Principal or other senior building administrator of a school, as well as any qualified person appointed by the Principal to carry out all or some Principal functions as described in this policy.
  - g. "Retaliation" means and includes such conduct as intimidation, threats, coercion, harassment, or discrimination in response to (or an effort to prevent) a victim, witness or other person, who in good faith provides information about an act or conduct that the person providing the information believes is bullying or cyberbullying.
  - h. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
  - i. "Staff" means and includes all district, school or SAU employees, designated volunteers (as defined in Board policy GBCD), or other volunteers who are regularly on school property, or who have significant contact with students, and any employees of a company under contract to the District or SAU and who have significant contact with students.
  - j. "Student" shall have the same meaning as "pupil" as used in RSA 193-F and this or any other Board policy.
  - k. "Superintendent" means the Superintendent (Senior Education Official) or other person designated by the Superintendent to carry out all or some Superintendent functions as described in this policy.
  - l. "Victim" means a student against whom bullying or cyberbullying has been perpetrated.
3. **Retaliation** - RSA 193-F:4, II(b). Retaliation or false accusations related to bullying or cyberbullying shall be deemed a violation of this policy. Upon receiving any report of bullying or cyberbullying, the Principal will immediately assess the need to develop a plan or take steps to protect the alleged victim or any witnesses against retaliation. The same assessment shall be made at any point upon a report of retaliation or false accusations made during or after a bullying/cyberbullying investigation.

Reports of retaliation or false accusations relating to a bullying/cyberbullying report may be made in the same manner as for reports of bullying/cyberbullying as provided in this policy.

Investigations, and responses (i.e., interventions, supportive measures, disciplinary consequences) to reports of retaliation or false accusations may be made as provided in the same manner as provided in Sections E - H for reports or incidents of bullying/cyberbullying, or in accordance with procedures and provisions set forth in the Student Handbook.

4. **Procedures for Reporting Bullying, Cyberbullying, Retaliation or False Accusations** - RSA 193-F:4, II(f). At each school, the Principal is responsible for receiving reports or complaints of bullying or cyberbullying.
  - a. **Student Reporting**. Any student who believes he or she has been the victim of bullying/cyberbullying, retaliation, or false accusations should report the alleged acts immediately to the Principal, or to a school district employee or volunteer that the student feels more comfortable making the report.
  - b. **Staff Reporting**. Any school employee or volunteer who receives a report of, witnesses, or has knowledge or belief that bullying/cyberbullying or retaliation may have occurred, shall inform the Principal as soon as possible, but no later than the end of that school day.
  - c. **Parent Reporting**. Parents and other adults are also encouraged to report any concerns about possible bullying/cyberbullying or retaliation of students to the Principal.
  - d. **Report Forms**. The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
  - e. **Anonymous Reports**. The Principal may develop a system or method for receiving anonymous reports of bullying within the building. Although students, parents, volunteers and visitors may report anonymously, an investigation based upon such reports may by necessity be incomplete. More significantly, formal disciplinary action may not be based solely on an anonymous report, and, likewise, other remedial or supportive measures may require some form of evidentiary verification.
5. **Actions Upon Receipt of Report of Bullying or Cyberbullying**.
  - a. **Receipt of Report**. Upon receipt of a report of bullying, the Principal shall commence an investigation consistent with the provisions of Section F of this policy, shall assess
    - A. the need for a plan to protect students against retaliation,
    - B. whether the conduct may be construed as illegal discrimination or harassment related to a protected class as set forth in Board policy AC (if so, the Principal shall confer with the District staff member(s) charged with handling such discrimination or harassment to determine how to proceed (e.g., parallel or combined investigations); and
    - C. whether such conduct constitutes a safe schools violation requiring a report pursuant to RSA 193-D:4 and Ed 317.05.
  2. **Parental Notice of Bullying Report** — RSA 193-F:4, II(h). Within 48 hours of receiving a report of bullying, the Principal will notify the parents of any student reported as a victim of bullying, as well as the parents of any student who has been reported as a perpetrator of bullying. Such notification may be made by telephone, writing or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be included in the

investigative report. Notifications shall be consistent with the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA) relative to the student privacy rights of each student indicated in the report.

The Principal may request of the Superintendent designee a waiver of the parental notification requirement, which may be granted only if the Superintendent deems such a waiver to be in the best interest of either the alleged victim or alleged perpetrator. Details of any request for a waiver and any grant of such request will be included in the investigative report.

F. **Investigative Procedures** - RSA 193-F:4, II(j).

1. Upon receipt of a report of bullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation.
2. The investigation should include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted privately, and shall be confidential to the extent permitted by law. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.
3. The investigation should include review of any available surveillance recordings subject to the provisions of Board policies EEAA.
4. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communications, consistent with Board policy JIH and RSA 189:6. The Principal may not, however, require or request a student to disclose or to provide access to a personal social media account through the student's user credentials.
5. Factors the Principal or other investigator may consider all relevant facts and circumstances during the course of the investigation, including but not limited to:
  1. Description of incident, including the nature of the behavior;
  2. How often the conduct occurred;
  3. Whether there were past incidents or past continuing patterns of behavior;
  4. The characteristics of parties involved, (name, grade, age, etc.);
  5. The identity and number of individuals who participated in bullying behavior;
  6. Where the alleged incident(s) occurred;
  7. Whether the conduct adversely affected any student's education or educational environment;
  8. Whether the alleged victim felt or perceived an imbalance or power as a result of the reported incident;

9. Whether the conduct violated any District or school policies or rules; and
  10. The date, time and method by which parents or legal guardians of all parties involved were first contacted.
- b. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation, the Superintendent may grant an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.

Without limiting what might constitute sufficient cause for an extension under this paragraph, the Superintendent may consider the interests of the victim or alleged perpetrator related to any investigation into some or all of the same alleged conduct which other investigation includes procedures and timelines mandated by a regulation or statute other than RSA 193-F (e.g., Title IX, criminal investigations, etc.). Before waiving the time requirement on account of such other investigation, the Superintendent should confer with counsel and or the District's Human Rights Officer.

## **2. Completion of Investigation and Report.**

- a. Investigative Determination and Report. Whether a particular action or incident constitutes bullying/cyberbullying, retaliation or other violation of this policy – requires review and consideration of available evidence of all facts and surrounding circumstances. The investigative determination along with a summary of the investigation, shall be included in a comprehensive report. If the determination is that the bullying allegation is substantiated, the report shall include provisions describing any disciplinary consequences, interventions, supportive measures or other assistance for the victim or perpetrator, and, when indicated, any steps appropriate to protect all students from retaliation of any kind. The report may also include policy, training or other recommendations for preventing future bullying conduct within the school.
- b. Communication with Students and Parents Upon Completion of Investigation - RSA 193-F:4, II(m).
  1. The Principal will meet promptly with each student directly involved in the incident(s) and communicate the general investigative determination as to whether the allegations of bullying/cyberbullying were substantiated, and any initial consequences or interventions appropriate to the determination.
  2. Within 10 school days, the Principal will notify the parents of the alleged victim and of the alleged perpetrator regarding the school's remedies and assistance, within the boundaries of applicable state and federal law. The initial communication may be in writing, in person or by telephone, but if verbally, the Principal will also send a letter confirming earlier determination to the parents within 2 school days confirming the earlier notification.
  3. If the parents request, the Principal shall schedule a meeting with them to further explain the investigative determination.
  4. In accordance with the Family Educational Rights and Privacy Act and other laws concerning student privacy, the District will not disclose educational records of students, including the discipline and remedial action assigned to those students and the parents of

other students involved in a bullying incident.

- b. Appeals. A parent aggrieved by the investigative determination of the Principal may appeal the determination in accordance with the standards and procedures set forth for Level II and Level III appeals in Board policy ACA.
- c. Additional Reporting Requirements.
  1. Reporting Substantiated Incidents - RSA 193-F:4, II(l). The Principal shall forward all substantiated reports of bullying to the Superintendent upon completion of the Principal's investigation.
  2. Department of Education Reports - RSA 193-F:4, II(g). The Principal shall be responsible for completing such reports/forms as required by the New Hampshire Department of Education (NHED) for all substantiated incidents of bullying. Irrespective of the time/date a form/report is due to be filed with NHED, the report/form or the information required for the report/form shall be completed/compiled within 10 school days following an investigative finding of a substantiated bullying/cyberbullying report. The Principal or designee shall retain a copy and shall forward one copy to the Superintendent. Hard copies are not necessary if the digital form/data is retained and accessible to both the building administration and SAU.
  3. Reporting to NH Department of Education - RSA 193-F:6, I. The Superintendent shall annually report the District's substantiated incidents of bullying to the New Hampshire Department of Education. Pursuant to FERPA, such reports shall not contain any personally identifiable information pertaining to any student.

2. **Substantiated Instances of Bullying or Retaliation: Interventions, Remedial Measures and Disciplinary Consequences** — RSA 193-F:4, II(k).

While students who have been found to have committed an act of bullying/cyberbullying can face disciplinary consequences, the Board encourages the administration and school district staff to explore alternative or additional measures and interventions to address the substantiated instances of bullying/cyberbullying, and prevent their reoccurrence.

- a. Interventions and Other Remedial Measures. Examples of interventions and remedial measures include, but are not limited to:
  1. Restitution,
  2. Parent conferences,
  3. Student counseling,
  4. Behavior assessment,
  5. Corrective instruction or other relevant learning experience,
  6. Peer support group, and
  7. Mediation (but only after the investigation has been completed).

Interventions and other remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying.

- Disciplinary Consequences - RSA 193-F:4, II(d). Disciplinary consequences for students shall be consistent with the Student Handbook for the conduct that constituted bullying/cyberbullying. Disciplinary consequences should be varied according to specific circumstances such as: the nature of the behavior, the developmental age of the student, the student's prior disciplinary history, performance. Students will be afforded any due process applicable to the level of consequences as provided in Board policy JICD, RSA 193:13 and Ed 317.

Consequences and appropriate remedial actions for a staff member who commits one or more acts of bullying/cyberbullying or retaliation may range from up to and including dismissal from employment for staff members, with additional reports, if appropriate, in accordance with the Code of Conduct for New Hampshire Educators.

3. **Dissemination of Policy and Bullying Prevention Education** - RSA 193-F:4, II(e) and 193-F:5.

1. Staff and Volunteers. All staff will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, website, workshops, etc.). The Superintendent will ensure that all school employees and volunteers receive **annual** training on bullying and related Board policies, consistent with RSA 193-F:5.
2. Students. All students will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (student handbook, mailing, hard copy, website, etc.).

Each year, all students will participate in programming that includes anti-bullying/cyberbullying materials presented in age-appropriate language. The materials and information should, among other things, describe expectations for student behavior, emphasize an understanding of what bullying/cyberbullying, harassment and intimidation is and looks like, the District's prohibition of such conduct and the reasons why the conduct is destructive, unacceptable, and how and when the conduct can lead to disciplinary consequences.

The Superintendent, in consultation with staff, will, to the extent reasonably possible, integrate student anti-bullying training and education into the district's curriculum, behavior programs and other violence prevention efforts.

3. Parents. The Superintendent will ensure that all parents are annually provided with a copy of this policy or informed in writing where a copy of the policy may be located on the District and/or school's website. Student/family handbooks will include information of the District/school's anti-bullying program, as well as the means for students to report bullying acts either experienced or witnessed, and how parents, themselves, may inform/report to the school when they believe their child is being bullied or is bullying other students and encourage their children to report bullying when it occurs.
4. Additional Notice and School District Programs. The Board may, from time to time, host or schedule public forums in which it will address this anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals, including teachers, administrators, guidance

counselors, school psychologists and other interested persons.

4. **Summary of School Officials' Duties to Implement Policy** - RSA 193-F:4, II(n).

The Superintendent, as the person charged with supervision of all employees of the District, is responsible for the implementation of this policy and the provisions of RSA 193-F. The School Principal(s) are expected and required by statute to implement this policy within their respective school buildings and ensure the procedures are followed.

Consistent with this Policy, the Principal(s) shall receive reports of alleged bullying or retaliation, investigate the alleged conduct, and communicate with the parties involved (including their parents) consistent with privacy laws, and communicate/report to the Superintendent. The Superintendent shall oversee the Principal(s) in their duties relative to this policy and shall ensure each school is compliant with this policy. Additionally, the Superintendent, will receive reports of substantiated incidents, review waivers and time extension requests, and communicate with the Principal(s), the School Board, and the NH Department of Education, all as provided in this policy.

5. **Immunity and Liability** – RSA 193-F:7 & 9.

Under 193-F:7, employees, volunteers, students, parents and any other person covered by this policy will be immune from civil liability for **good faith** conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response under this policy or RSA 193-F. (Note – civil liability could arise, (including for attorneys fees) in the event of gross negligence or willful misconduct for violations of this policy.)

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

**NH Statutes**

RSA 189:70

RSA 193-D:4

RSA 193-F

RSA 193-F:3

RSA 193-F:4

RSA 193-F:7

RSA 570-A:2

**NH Dept of Ed Regulation**

N.H. Code Admin Rules Ed 317.05

N.H. Code Admin. Rules Ed 204.01

N.H. Code Admin. Rules Ed

306.04(b)(7)

N.H. Code Admin. Rules Ed 317

**Description**

[Educational Institution Policies on Social Media](#)

[Written Report Required \(Safe School Zones\)](#)

[Pupil Safety and Violence Prevention](#)

[Definitions \(Pupil Safety and Violence Prevention\)](#)

[Policy Requirements \(Pupil Safety and Violence Prevention\)](#)

[Immunity \(Pupil Safety and Violence Prevention\)](#)

[Capture of Audio Recordings on School Buses Allowed](#)

**Description**

Reporting Procedures for Acts of Theft, Violence, or Destruction

[Board Hearings](#)

[Student Harassment](#)

[Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process](#)

**Cross References**

| <b>Code</b> | <b>Description</b>                                                                                                                   |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------|
| AC          | <a href="#">Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan</a>                                        |
| AC-R(2)     | <a href="#">Nondiscrimination, Equal Opportunity Employment, and Anti-Discrimination Plan - Annual Notice of Contact Information</a> |
| ACAC        | <a href="#">Prohibition of Sexual Harassment: Policy and Grievance Procedures</a>                                                    |
| EBCA        | <a href="#">Crisis Prevention and Emergency Response Plans</a>                                                                       |
| ECAF        | <a href="#">Audio and Video Surveillance on School Buses</a>                                                                         |
| EHAG        | <a href="#">Use of Generative Artificial Intelligence</a>                                                                            |
| GBEAB       | <a href="#">Mandatory Code of Conduct Reporting - All Employees</a>                                                                  |
| IHBA        | <a href="#">Programs for Pupils with Disabilities</a>                                                                                |
| IHBA-R(1)   | <a href="#">Programs for Pupils with Disabilities - Section 504 - Notice of Parent &amp; Student Rights</a>                          |
| JIC         | <a href="#">Student Conduct</a>                                                                                                      |
| JICD        | <a href="#">Student Discipline and Due Process</a>                                                                                   |
| JICD-R(1)   | <a href="#">Student Discipline and Due Process - Memorandum of Understanding</a>                                                     |
| JICDD       | <a href="#">Student Discipline/Out-of-School Actions</a>                                                                             |
| JLF         | <a href="#">Reporting Child Abuse or Neglect</a>                                                                                     |
| JLF-F(1)    | <a href="#">Reporting Child Abuse or Neglect - Report Form</a>                                                                       |
| KFA         | <a href="#">Conduct on School Property</a>                                                                                           |
| KFA-R(1)    | <a href="#">Conduct on School Property - Assaults</a>                                                                                |

Adopted: 12/28/10

Reviewed/First Reading: 10/27/20; 2<sup>nd</sup> Reading/Adopted: 11/10/20

Reviewed/First Reading: 12/9/25; 2<sup>nd</sup> Reading/Adopted: 1/13/26

**JKAA - USE OF RESTRAINTS AND SECLUSION*****Category: Priority/Required by Law***

1. **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.
2. **Definitions.** For the purposes of this policy,
  - i. **"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:
  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.

B. **"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:

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

- B. Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
- C. Obstructs the circulation of blood;
- D. 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
- E. 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.

- C. **"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.

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

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

1. each school building has staff who have been appropriately trained in the proper and safe implementation of seclusion or restraint techniques;

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

**B. Procedures for Managing the Behavior of Students.** General procedures for managing student behavior are found in Board policies 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.

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

o **Authorized Use of Restraint.**

▪ General.

- Restraint may only be used by trained personnel using extreme caution when *all other interventions have failed or have been deemed inappropriate.*
- 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.
- 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.
- Restraint shall never be used either explicitly or implicitly as punishment for the behavior of a child.
- 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.
- 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.

- 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.

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

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

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

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

- A. **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.

#### A. **Use of Seclusion.**

- a. **Circumstances in Which - and Conditions by Which - Seclusion May and May Not Be Used.**
  - i. Seclusion may only be used by personnel trained in the proper use of seclusion as provided in Section C, above.
  - ii. 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.
  - iii. 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.
  - iv. Seclusion will not be used explicitly or implicitly as a form of punishment or discipline for the behavior of a student.

- v. Seclusion shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.
- b. **Conditions of Seclusion.** When seclusion is permitted under this policy,
  - i. it may only be imposed in rooms which:
    - A. Are of a size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them.
    - B. Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located.
    - C. 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.
    - D. Are free of any object that poses a danger to the children being placed in the rooms.
    - E. 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.
  - ii. 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).
- c. **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:
  - i. A trusted adult selected by the child.
  - ii. A clinician or counselor trained in trauma informed practices.
  - iii. A staff member known to have a positive relationship with the child.
  - iv. A staff member who was **NOT** involved in the incident that led to seclusion.

- d. **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.

1. **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 made available 1/17/24") to the Superintendent. In the absence of the availability of the DOE/DHHS form, the submission shall nonetheless be in writing and include all of the information required under RSA 126-U:7, II. The DOE/DHHS form or other writing used will be referred to as the Written Notification.

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

- d. **Written Information to Parent/Guardian:** Unless prohibited by court order, within 2 business days of receipt of the Written Notification, the Superintendent/designee shall send by USPS first class mail, or transmit by electronic means, to the child's parent/guardian all of the information included in the Written Notification or the Written Notification itself.
- e. **Final Investigation and Report:** The Superintendent or Superintendent's designee shall review and investigate each incident of seclusion or restraint for a determination as to whether the use complied with this policy, RSA 126-U and Ed 1201-1203. After the completion of a reasonable review/investigation, the Superintendent or her/his designee, shall follow the Written Notification with a Final Report of the incident. The Final Report should include findings and conclusions, the documentary and other physical evidence (or summary of oral evidence), and a description of actions taken in response to those findings and conclusions.

2. **Additional Reporting Required for Injury or Death of a Child Subject to Restraint or Seclusion.** In cases involving serious injury or death to a child subject to restraint or seclusion in

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

3. **Additional Documentation Regarding Use of Mechanical Restraint.** Whenever a child is transported using mechanical restraints, the person(s) completing the Official Report Form/written notification described in G.1.c, above, shall include the reasons for the use of mechanical restraints. Such documentation shall be treated and retained as a notification of restraint under RSA 126-U:7.
4. **Documentation for Other Intentional Physical Contact Between Employee and Student.** The following shall apply whenever there is an instance where a school employee or designated volunteer has intentional physical contact with a student in response to a student's aggressive misconduct or disruptive behavior.
  - i. 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.
  - ii. 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:
    1. The date and time of the incident.
    2. A brief description of the actions of the child before, during, and after the occurrence.
    3. The names of the persons involved in the occurrence.
    4. A brief description of the actions of the facility or school employees involved before, during, and after the occurrence.
    5. A description of any injuries sustained by, and any medical care administered to, the child, employees, or others before, during, or after the incident.
- b. **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.
1. **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.
- I. **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.
- II. **Complaints of Violation of RSA 126-U.** Any individual may file a complaint with the Superintendent's office alleging a violation of this policy or RSA 126-U. The complainant should be encouraged to file the complaint in writing with the information listed in paragraph 1 below, but if declined, the Superintendent/designee should promptly prepare a written summary of the complaint with such information as could be obtained from the complainant. The complaint should be made as soon as possible after the incident. (Note that under Ed 1203.02, complaints to the New Hampshire Department of Education made more than twelve months after an incident will be dismissed by the Department.)
- a. **Complaint Contents.** The written complaint or complaint summary should include:
    - i. The complainant's name, unless the complaint refuses;
    - ii. The date or approximate date of the alleged incident;
    - iii. The location of the alleged incident;
    - iv. The name of the child or children subject to the alleged restraint or seclusion, if known;
    - v. The name of the school personnel alleged to have restrained or secluded the child, if known;
    - vi. A description of the alleged restraint or seclusion; and
    - vii. The date of complaint.
  - b. **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.

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).

- III. **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.

- IV. **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.
- V. **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.

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

|                                        |                                                               |
|----------------------------------------|---------------------------------------------------------------|
| <b>NH Statutes</b>                     | <b>Description</b>                                            |
| RSA 126-U                              | <a href="#">Limiting the Use of Child Restraint Practices</a> |
| RSA 169-C:29-39                        | <a href="#">Reporting Law</a>                                 |
| RSA 186-C                              | <a href="#">Special Education</a>                             |
| <b>NH Dept of Ed Regulation</b>        | <b>Description</b>                                            |
| N.H. Code of Admin. Rules Chapter 1200 | <a href="#">Restraint and Seclusion for Children</a>          |
| <b>Federal Statutes</b>                | <b>Description</b>                                            |
| Section 504, 29 U.S.C. 701, et. seq.   | <a href="#">Section 504 of The Rehabilitation Act of 1973</a> |
| <b>Cross References</b>                |                                                               |

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

First Reading: 7/28/15

Second Reading and Approval: 8/11/15

Review/1<sup>st</sup> Reading: 12/12/23; 2<sup>nd</sup> Reading/Adopted: 1/9/24

Review/1<sup>st</sup> Reading: 10/8/24; 2<sup>nd</sup> Reading/Adopted: 10/22/24

## JLCF - WELLNESS

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

The Mascoma Valley Regional School 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 inter-related. 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.

This policy outlines the District's approach to ensuring environments and opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. This policy applies to all students, staff and schools in the District.

### **I. DISTRICT WELLNESS COMMITTEE.**

The Superintendent, in consultation with the Director of Food Services, will facilitate development of updates to the District Wellness Policy, subject to School Board approval, and will oversee compliance with the policy. In addition, the Superintendent shall designate a Building Wellness Coordinator for each school to help ensure compliance with this policy at the building level. Additionally, the Wellness Committee is charged with making

recommendations relative to the objectives and requirements of Board policy IMAH, Daily Physical Activity.

The Superintendent shall convene a representative “District Wellness Committee” (or “Wellness Committee”), whose functions will include review and recommendations regarding implementation of and updates to this policy, and establishment of specific goals for nutrition promotion, education and physical activity.

The Superintendent or his/her designee shall serve as the Chairperson of the District Wellness Committee, and shall maintain an updated roster of Building Wellness Coordinators and other persons serving on the Committee.

The District Wellness Committee shall meet no less than three times per school year.

The District Wellness Committee should represent each school and the diversity of the community, and to the extent feasible include the Superintendent or her/his designee, the Food Services Director, each Building Wellness Coordinator, parents, students, physical education teachers, health education teachers, school counselors, school administrators, a school board member, outside health professionals, individual school building representatives, and members of the public.

Staff appointments to the Wellness Committee will be made by the Superintendent. The School Board Chair shall appoint the School Board member. Remaining members, other than those who are ex officio, shall be appointed and approved by the Wellness Committee.

As a statutory committee, the Wellness Committee shall comply with the requirements of RSA 91-A regarding meetings.

## **II. WELLNESS POLICY IMPLEMENTATION, MONITORING, ACCOUNTABILITY AND COMMUNITY ENGAGEMENT.**

- **Implementation Plan.**

Each Building Wellness Coordinator, with the assistance of the Wellness Committee, will conduct a school-level assessment based on the Centers for Disease Control and Prevention’s School Health Index, using tools available through such programs as the Alliance for a [Healthier Generation America’s Healthiest Schools program](#) (*link verified May 28, 2025*), and to create an action plan and generate an annual progress report. The school-level assessment/report should be completed by September 30<sup>th</sup> of each school year and provided to the Superintendent.

- **Annual Notification of Policy.**

The District will annually inform families and the public of basic information about this policy, including its content, any updates to the policy, and implementation status. The District will make this information available via the district website. This information will include the contact information of the District official(s) chairing the Wellness Committee (i.e., the Superintendent or his/her designee) and any Building Wellness Coordinator(s), in addition to how the public can get involved with the District Wellness Committee.

- **Triennial Progress Assessments.**

Every three years, the Food Services Director will assess:

- The extent to which each of the District's schools are in compliance with the wellness policy;
- The extent to which the District Wellness Policy compares to model wellness policies; and
- A description of the progress made in attaining the goals of the District's Wellness Policy.

The Wellness Committee will make recommendations to update the District Wellness Policy based on the results of the annual School Health Index and triennial assessments and/or as District priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new Federal or state guidance or standards are issued. The recommendations should include those relating to the provisions of Board policy IMAH, Daily Physical Activity. The Board will review and act upon such assessments as required or as the Board deems appropriate.

- **Recordkeeping.**

The Superintendent will retain records related to this Policy, to include at least the following:

- The District Wellness Policy;
- The most recent assessment on the implementation of the local school wellness policy;
- Documentation on how the District Wellness Policy and Policy assessments are/were made available to the public;
- Documentation confirming annual compliance with the requirement that District Wellness Policy, including updates, and the most recent assessment on the implementation of the Policy have been made available to the public; and
- Documentation of efforts to review and update the District Wellness Policy; including who is/was involved in each update and methods the District uses to make stakeholders aware of opportunities to participate on the District Wellness Committee.

- **Community Involvement, Outreach and Communications.**

The District will communicate ways in which representatives of DWC and others can participate in the development, implementation and periodic review and update of the wellness policy through a variety of means appropriate for that district. The District will also inform parents/guardians of the improvements that have been made to school meals and compliance with school meal standards, availability of child nutrition programs and how to apply, and a description of and compliance with Smart Snacks in School nutrition standards.

### **III. NUTRITION.**

- **School Meals.**

All schools within the District participate in USDA child nutrition programs, including the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). District schools are committed to offering school meals that:

- Are accessible to all students;
- Are appealing and attractive to children;
- Are served in clean and pleasant settings;
- Promote healthy food and beverage choices; and
- Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations. The District offers reimbursable school meals that meet USDA nutrition

standards, which may be found at:

<https://www.fns.usda.gov/schoolmeals/nutrition-standards> (link verified May 29, 2025)

- **Staff Qualifications and Professional Development.**

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for school nutrition professionals, which may be found at:

[www.fns.usda.gov/school-meals/professional-standards](http://www.fns.usda.gov/school-meals/professional-standards) (link verified May 28, 2025)

- **Water.**

To promote hydration, free, safe, unflavored drinking water will be available to all students at every school throughout the school day, including mealtimes.

Students shall be permitted to bring water bottles to school that:

School Principals may discipline students for the misuse of water bottles, consistent with Board policy JICD.

- Are made of material that is not easily breakable;
- Have lids to prevent spills; and
- Are filled exclusively with water

- **Competitive Foods and Beverages and Marketing of Same in Schools.**

“Competitive foods and beverages” (i.e., foods and beverages sold and served or marketed during the school day, but outside of the school meal programs) must meet the USDA Smart Snacks in School nutrition standards, which may be accessed at:

[www.fns.usda.gov/tn/guide-smart-snacks-school](http://www.fns.usda.gov/tn/guide-smart-snacks-school) (link verified May 28, 2025)

These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias and vending machines.

Except as may be provided elsewhere in this Policy, any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards. Food and beverage marketing is defined as advertising and other promotions in schools, including, but is not limited to:

Corporate brand names, logos, and trademarks for companies that market products that comply with the USDA Smart Snacks in School nutrition standards will not be prohibited because they offer some non-compliant food or beverage items in their product line. Likewise, the marketing restrictions do not apply to clothing or other examples of expression which include brand information for non-compliant food or beverage items.

As the District, school athletic department, and parent teacher associations review existing contracts and consider new contracts, equipment and product purchasing (and replacement) decisions should reflect the applicable marketing guidelines established by the District wellness policy.

1. Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container.
2. Displays, such as on vending machine exteriors.
3. Corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (***note***: immediate replacement of these items are not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is financially possible over time so that items are in compliance with the marketing policy.).
4. Corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, pupil assignment books or school supplies displayed, distributed, offered or sold by the District.
5. Advertisements in school publications or school mailings.
6. Free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.

**B. Celebrations and Rewards.**

All foods offered during the school day on the school campus will meet or exceed the USDA Smart Snacks in School nutrition standards. Foods and beverages will not be used as a reward or withheld as punishment for any reason. The District's School Nutrition Services will make available a list of healthy party ideas to parents and teachers, including non-food celebration ideas, and a list of foods and beverages which meet Smart Snack nutrition standards.

**C. Food Sale Fundraising.**

Foods and beverages that meet or exceed the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers on the school campus during the school day. Fundraising groups are encouraged to choose non-food fundraisers, and to consider healthy fundraising ideas. Notwithstanding this provision, each school may allow up to nine bake sales or other fundraising food sales of non-compliant foods (i.e., that do not meet Smart Snack standards), which are no more than one day in duration each.

**D. Nutrition Promotion.**

The District will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs. This promotion will include:

1. Implementation of at least one or more evidence-based healthy food promotion techniques in the school meal programs using methods such as those included in the Smarter Lunchroom Movement's publication: [\*\*\*How to Build a Smarter Lunchroom\*\*\*](#) (*link verified May 30, 2025*)
2. Ensuring 100% of foods and beverages promoted to students during the school day meet the USDA Smart Snacks in School nutrition standards. Additional promotion techniques that the District and individual schools may use are available through the Smart Food Planner of the Alliance for a Healthier Generation, available at:

[\*\*\*https://foodplanner.healthiergeneration.org/\*\*\*](https://foodplanner.healthiergeneration.org/) (*link verified May 28, 2025*)

**E. Nutrition Education.**

The District will teach, model, encourage and support healthy eating by all students. Schools should provide additional nutrition education that:

1. Nutrition education shall be included in the health curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.
2. Nutrition education posters will be displayed in each school cafeteria **or** each room in which students regularly eat their lunches.
3. Consistent nutrition messages shall be disseminated throughout the school.
4. Is designed to provide students with the knowledge and skills necessary to promote and protect their health;
5. To the extent practicable is integrated into other classroom instruction through subjects such as math, science, language arts, social sciences and elective subjects;
6. May include enjoyable, developmentally-appropriate, culturally-relevant and participatory activities, such as cooking demonstrations or lessons, promotions, taste-testing, farm visits and school gardens;
7. Promotes fruits, vegetables, whole-grain products, low-fat and fat-free dairy products and healthy food preparation methods;
8. Emphasizes caloric balance between food intake and energy expenditure (promotes physical activity/exercise);
9. Links with school meal programs, cafeteria nutrition promotion activities, school gardens, Farm to School programs, other school foods and nutrition-related community services;
10. Teaches media literacy with an emphasis on food and beverage marketing; and
11. Includes nutrition education training for teachers and other staff.

#### **IV. PHYSICAL ACTIVITY.**

The District will provide physical education consistent with national and state standards. In addition, the District will promote developmentally appropriate physical activity as provided in Board policy IMAH, Daily Physical Activity Without limiting the scope of that policy, this Wellness Policy requires [see endnote 8, the following are intended only as *examples* of possible measurable activities]

##### **A. Classroom Physical Activity Breaks.**

In addition to any recess periods provided in the ordinary daily schedule, students will be offered **periodic opportunities** to be active or to stretch throughout the day in addition to any recess periods provided in the ordinary daily schedule. The Board recommends teachers provide short (3-5-minute) physical activity breaks to students during and between classroom time at least three days per week. These physical activity breaks will complement, not substitute, for physical education class, recess, and class transition periods.

##### **B. Before and After School Activities.**

The District offers opportunities for students to participate in physical activity after school through interscholastic and intramural sports and clubs.

##### **C. Walking and Biking to School.**

The District will support walking or biking to school by students or faculty only if determined safe by the building principal.

Physical activity during the school day (including but not limited to recess, classroom physical activity breaks or physical education) **will not be withheld** as punishment for any reason.

#### **V. OTHER ACTIVITIES TO PROMOTE STUDENT WELLNESS.**

The District will endeavor to integrate wellness activities across the entire school setting, not just in the cafeteria or physical education and athletic facilities. In furtherance of this objective, each school in the District

will participate in one of the following activities: Jump Rope for Heart, Jog-a-thon, Wellness Fair, Finding Our Stride, Field Days, Walking Field Trips, each school year.

## **VI. PROFESSIONAL LEARNING.**

When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class).

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

|                                          |                                                                     |
|------------------------------------------|---------------------------------------------------------------------|
| <b>NH Statutes</b>                       | <b>Description</b>                                                  |
| RSA 189:11-a                             | <a href="#">Food and Nutrition Programs</a>                         |
| <b>NH Dept of Ed Regulation</b>          | <b>Description</b>                                                  |
| N.H. Code Admin. Rules Ed 306.04(b)(15)  | <a href="#">Behavior Management and Intervention for Students</a>   |
| N.H. Code Admin. Rules Ed 306.10(d-g)    | <a href="#">Food and Nutrition Services</a>                         |
| N.H. Code Admin. Rules Ed 306.31         | <a href="#">Health and Wellness Education Program</a>               |
| N.H. Code Admin. Rules Ed 310            | <a href="#">Daily Physical Activity</a>                             |
| <b>Federal Regulations</b>               | <b>Description</b>                                                  |
| 7 C.F.R 210                              | <a href="#">National School Lunch Program</a>                       |
| 7 C.F.R 220                              | <a href="#">School Breakfast Program</a>                            |
| 7 CFR 210.31                             | <a href="#">Local school wellness policy</a>                        |
| <b>Federal Statutes</b>                  | <b>Description</b>                                                  |
| 42 U.S.C. 1751 et seq.                   | <a href="#">National School Lunch Act</a>                           |
| 42 U.S.C. 1771                           | <a href="#">Child Nutrition Act of 1966</a>                         |
| Section 204 of Public Law 108-265        | <a href="#">Child Nutrition and WIC Reauthorization Act of 2004</a> |
| The Healthy Hunger-Free Kids Act of 2010 | <a href="#">The Healthy Hunger-Free Kids Act of 2010</a>            |

## **Cross References**

|             |                                                             |
|-------------|-------------------------------------------------------------|
| <b>Code</b> | <b>Description</b>                                          |
| DFGA        | <a href="#">Crowdfunding</a>                                |
| EF          | <a href="#">Food Service Management</a>                     |
| EFAA        | <a href="#">Meal Charging</a>                               |
| EFE         | <a href="#">Vending Machines</a>                            |
| IMAH        | <a href="#">Daily Physical Activity</a>                     |
| JLC         | <a href="#">Student Health Services &amp; School Nurses</a> |
| JLCI        | <a href="#">Coordinated School Health Program</a>           |

Adopted: 8/11/09

Revised: 5/16/14

Board Approved: 11/25/14

Revised: 5/2/17; 1<sup>st</sup> Reading 5/9/17; 2<sup>nd</sup> Reading/Adopted 5/23/17

Reviewed/Revised Wellness: 3/3/20; 1<sup>st</sup> Reading: 4/28/20; 2<sup>nd</sup> Reading: 5/12/20

Reviewed/1<sup>st</sup> Reading: 11/24/20; 2<sup>nd</sup> Reading/Adopted: 12/8/20

Wellness Review: 2/1/23; 1<sup>st</sup> Reading: 2/14/23; 2<sup>nd</sup> Reading/Adopted: 2/28/23

Wellness Review: 11/8/23; 1<sup>st</sup> Reading: 11/28/23, 12/12/23; 2<sup>nd</sup> Reading/Adopted: 1/9/24

Review Wellness: 9/22/25; 1<sup>st</sup> Reading: 10/14/25; 2<sup>nd</sup> Reading/Adopted: 10/28/25

## **JLCJ - CONCUSSIONS AND HEAD INJURIES**

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

**Related Policies: *EBBB***

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

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

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

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

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

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

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

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

H. Duty to Report. All District employees shall report any accident or incident which involves a student head injury. The report should be filed in the same manner provided under Board Policy EBBB as for that of any accident requiring first aid. Additionally, Teachers should report to the school nurse (or administrator in charge if the nurse is unavailable) if the student appears to have any difficulty with academic tasks that the teacher believes may be related to concussion. The school nurse will notify the student's parents of guardians and treating health care provider.

I. Return to Learning Protocols. After a student has suffered a concussion, whether in school or not, before full resumption of academic work, the building principal or his/her designee will work with the

school nurse, a student's parent/guardian, medical provider, teacher(s) and other appropriate district staff, to establish a graduated learning reentry plan. The plan will support the student's full return to academic activities, and ease the stress of making up past work while engaged in present work. The plan must include:

- A. Step-by-step instructions and details for students, parents/guardians and school personnel;
- B. Time frames for physical and cognitive rest within first few days post-injury and throughout the recovery as needed;
- C. Guidance on graduated return to extracurricular athletic activities and classroom studies, including classroom accommodations or modifications;
- D. Frequency of assessments by the school nurse, school physician if applicable, neuropsychologist or athletic trainer until full return to the classroom and extracurricular athletic activities are authorized;
- E. Any provisions relative to "return-to-play" for student-athletes;
- F. A plan for communication and coordination among school personnel and with the parents/caregivers and the student's medical provider.

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

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

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

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

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

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

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

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

#### **Legal References:**

*RSA 200:49, Head Injury Policies for Student Sports*

*RSA 200:50, Removal of Student-Athlete*

*RSA 205:51, School Districts; Limitation of Liability*

*RSA 200:52, Definitions*

*RSA 200:63, Head Injuries; Return to Learning and Plan*

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

Adopted: May 28, 2013

Reviewed/First Reading: 1/12/21; 2<sup>nd</sup> Reading/Adopted: 1/26/21

## **JLDBB - SUICIDE PREVENTION AND RESPONSE**

*Category: Priority/Required by Law*

The Mascoma Valley Regional School Board is committed to protecting the health, safety and welfare of its students and school community. This policy supports federal, state and local efforts to provide education on youth suicide awareness and prevention; to establish methods of prevention, intervention, and response to suicide or suicide attempt ("postvention"); and to promote access to suicide awareness, prevention and postvention resources.

**A. District Suicide Prevention Plan and Biennial Review**. The District shall maintain a coordinated written District Suicide Prevention Plan (the "Plan") to include guidelines, protocols and procedures with the objectives of prevention, risk assessment, intervention and response to youth suicides and suicide attempts.

A. Specific Requirements for Plan Terms: The District Suicide Prevention Plan shall include terms relating to:

- a. Suicide prevention (risk factors, warning signs, protective factors, referrals);
- b. Response to in-or-out-of-school student suicides or suicide attempts (postvention, suicide contagion);
- c. Student education regarding safe and healthy choices, coping strategies, recognition of risk factors and warning signs of mental disorders and suicide; and help seeking strategies;
- d. Training of staff, designated volunteers, and contracted personnel on the issues of youth suicide risk factors, warning signs, protective factors, response procedures, referrals, post-intervention and resources available within the school and community;
- e. Confidentiality considerations;
- f. Designation of any personnel, in addition to the District Suicide Prevention Coordinator and Building Suicide Prevention Liaisons, to act as points of contact when students are believed to be at an elevated risk of suicide;
- g. Information regarding state and community resources for referral, crisis intervention, and other related information;
- h. Dissemination of the Plan or information about the Plan to students, parents, faculty, staff, and school volunteers;
- i. Promotion of cooperative efforts between the District and its schools and community suicide prevention program personnel;
- j. Such include such other provisions deemed appropriate to meet the objectives of this Policy (e.g., student handbook language, reporting processes, "postvention" strategies, memorial parameters, etc.).

B. Biennial Review: No less than once every two years, the Superintendent, in consultation with the District Suicide Prevention Coordinator and Building Suicide Prevention Liaisons and with input and evidence from community health or suicide prevention organizations, and District health and guidance personnel, shall update the District Suicide Prevention Plan, and present the same to the Board for review. Such Plan updates shall be submitted to the Board in time for appropriate budget consideration.

**B. Suicide Prevention Coordinator and Liaisons.**

- District Suicide Prevention Coordinator. District Suicide Prevention Coordinator, who, under the direction of the Superintendent shall be responsible for:
  - o developing and maintaining cooperative relationships with and coordination efforts between the District and community suicide prevention programs and personnel;
  - o annual updating of (i) State and community crisis or intervention referral intervention information, and (ii) names and contact information of Building Suicide Prevention Liaisons, for inclusion in student handbooks and on the District's website;

- o developing - or assisting individual teachers with the development of age appropriate student educational programming, such that all students receive information in the importance of safe and healthy choices and coping strategies, recognizing risk factors and warning signs of mental disorders and suicide in oneself and others, and providing help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help;
  - o developing or assisting in the development of the annual staff training required under Section C of this policy;
  - o Such other duties as referenced in this Policy or as assigned by the Superintendent.
- **Building Suicide Prevention Liaison.** The District Social Worker or, in his/her absence, the building Principal, shall be designated as the Building Suicide Prevention Liaison, and shall serve as the in building point-of-contact person when a student is believed to be at an elevated risk for suicide. Employees who have reason to believe a student is at risk of suicide, or is exhibiting risk factors for suicide, shall report that information to the Building Liaison, who shall, immediately or as soon as possible, establish and implement a response plan with the District Suicide Prevention Coordinator.

**C. Annual Staff Training.** The Superintendent shall assure that beginning with the 2020-21 school year, all school building faculty and staff, designated volunteers, and any other personnel who have regular contact with students, including contracted personnel or third-party employees, receive at least two hours of training in suicide awareness and prevention. Such training may include such matters as youth suicide risk factors, warning signs, protective factors, intervention, response procedures, referrals, and postvention and local resources.

**D. Dissemination.** Student handbooks and the District's website will be updated each year with the contact information for the Building Suicide Prevention Liaisons, State and community crisis or intervention referral intervention resources. The District Suicide Prevention Plan will be made available on the District's, and each school's respective websites.

**E. Student Identification Cards.** The 988 Suicide and Crisis Lifeline shall be labeled on student identification cards for grades 6-12 and read: "**Suicide and Crisis Lifeline: Call 988**" Prior to the start of each school year, the Superintendent shall certify that the contact information for the 988 Suicide and Crisis Lifeline is accurate and up to date. **Note:** Beginning August 13, 2024, RSA 193-K:1 requires that all new or replacement student identification cards for grades 6-12 shall also include the telephone number for the National Alliance for Eating Disorders - 866-662-1235.

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

| NH Statutes   | Description                                                            |
|---------------|------------------------------------------------------------------------|
| RSA 193-J     | <a href="#">Suicide Prevention Education</a>                           |
| RSA 193-J:2-a | <a href="#">Suicide Prevention; Public School Identification Cards</a> |

#### Cross References

| Code | Description                                            |
|------|--------------------------------------------------------|
| JLD  | <a href="#">School Guidance and Counseling Program</a> |

New Policy/Reviewed: 1/30/20; 1<sup>st</sup> Reading: 6/9/20; 2<sup>nd</sup> Reading/Adopted: 6/23/20

Review/1<sup>st</sup> Reading: 11/8/22; 2<sup>nd</sup> Reading/Adopted: 11/22/22

Review/1<sup>st</sup> Reading: 9/24/24; 2<sup>nd</sup> Reading/Adopted: 10/8/24

## **JLDBB-R – SUICIDE PREVENTION PROCEDURES (10/21/24) – See Website**

### **JLF - REPORTING CHILD ABUSE OR NEGLECT**

*Category: Priority/Required by Law*

#### **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.**

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

1. the name and address of the child suspected of being abused or neglected,
2. the person responsible for the child's welfare,
3. the specific information indicating neglect/abuse or the nature and extent of the child's injuries (including any evidence of previous injuries),
4. the identity of the person or persons suspected of being responsible for such neglect or abuse; and
5. any other information that might be helpful in establishing neglect or abuse.

**E. 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:

- o Disclosure Allowed – The Caller/Reporter provides all their identifying information to DCYF, and it may be provided to the child’s family upon request.
- o 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.
- o 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.
- **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 Mascoma Valley Regional School District 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 an original completed form JLF-F(1) "Child Abuse and/or Neglect Reporting Form" as soon as practicable after the initial report, but in no event longer than one calendar day.

##### **A. 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:

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.

- 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.

## B. 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 Superintendent 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 Superintendent, 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.**

### (1) 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.

### (2) Additional Reporting Requirements.

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. See also Board Policy GBEAB. A single act may simultaneously constitute abuse, bullying, hazing, and/or an act of theft, destruction or violence.

## 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 websites.

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

| <b>NH Statutes</b> | <b>Description</b>                                                                                    |
|--------------------|-------------------------------------------------------------------------------------------------------|
| RSA 169-C          | <a href="#"><u>Child Protection Act</u></a>                                                           |
| RSA 169-C:29-39    | <a href="#"><u>Reporting Law</u></a>                                                                  |
| RSA 189:13-a       | <a href="#"><u>School Employee and Designated School Volunteer Criminal History Records Check</u></a> |
| RSA 189:72         | <a href="#"><u>Child Abuse or Neglect Information</u></a>                                             |
| RSA 193-D:4        | <a href="#"><u>Safe School Zones, Written Report Required</u></a>                                     |

| <b>NH Dept of Ed Regulation</b>                   | <b>Description</b>                                                      |
|---------------------------------------------------|-------------------------------------------------------------------------|
| NH Code of Admin. Rules, Ed 510.05(e)             | <a href="#"><u>Code of Conduct for NH Educators, Duty to Report</u></a> |
| NH Code of Administrative Rules, Ed 306.04(a)(10) | <a href="#"><u>Reporting of Suspected Abuse or Neglect</u></a>          |

## **Cross References**

| <b>Code</b> | <b>Description</b>                                                                                                         |
|-------------|----------------------------------------------------------------------------------------------------------------------------|
| ACAC        | <a href="#"><u>Title IX Prohibition of Sex Discrimination and Sex-Based Harassment: Policy and Grievance Procedure</u></a> |
| GBCE        | <a href="#"><u>Training and Information Relative to Child Sexual Abuse Prevention</u></a>                                  |
| GBEAB       | <a href="#"><u>Mandatory Code of Conduct Reporting - All Employees</u></a>                                                 |
| IJOC        | <a href="#"><u>Volunteers</u></a>                                                                                          |
| IJOC-R(1)   | <a href="#"><u>Volunteers - Confidentiality Agreement</u></a>                                                              |
| JICK        | <a href="#"><u>Pupil Safety and Violence Prevention</u></a>                                                                |
| JICK-R(1)   | <a href="#"><u>Pupil Safety and Violence Prevention - Report Form</u></a>                                                  |
| JICK-R(2)   | <a href="#"><u>Pupil Safety and Violence Prevention - Bullying Report Form</u></a>                                         |
| JICK-R(3)   | <a href="#"><u>Pupil Safety and Violence Prevention - School Board Notification of Bullying Report</u></a>                 |
| JJHD        | <a href="#"><u>Student Interviews and Interrogations</u></a>                                                               |
| JKAA        | <a href="#"><u>Use of Restraints and Seclusion</u></a>                                                                     |

Adopted: 10/14/08  
Reviewed: 11/20/19; 1<sup>st</sup> Reading: 1/28/20; 2<sup>nd</sup> Reading: 2/11/20  
1<sup>st</sup> Reading: 10/13/20; 2<sup>nd</sup> Reading/Adopted: 10/27/20  
Reviewed/1<sup>st</sup> Reading: 11/12/24; 2<sup>nd</sup> Reading/Adopted: 12/10/24

## **JRA - STUDENT RECORDS AND ACCESS - FERPA**

*Category: Recommended*

- A. **General Statement**. It is the policy of the Mascoma Valley Regional School Board that all school district personnel will follow the procedures outlined herein as they pertain to the maintenance of student records. Furthermore, it is the policy of the School Board that all school district personnel will follow the provisions of the Family Educational Rights Privacy Act (FERPA) and its corresponding regulations.
- B. **"Education Record"**. For the purposes of this policy and in accordance with FERPA, the term "educational record" is defined as all records, files, documents and other material containing information directly related to a student; and maintained by the school district; or by such other agents as may be acting for the school district. Such records include, but are not limited to, completed forms, printed documents, handwriting, videotape, audiotape, electronic or computer files, film, print, microfilm and/or microfiche. Educational records do not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.
- C. **"Directory Information"**. For the purposes of this policy, and in accordance with the provisions of FERPA and New Hampshire RSA 189:1-e, the term "directory information" means:
1. Student name(s), address(es), telephone number(s), and date(s) of enrollment;
  2. Parent/guardian name(s) and address(es);
  3. Student grade level, enrollment status and dates of attendance;
  4. Student photograph(s);
  5. Student participation in recognized school activities and sports;
  6. Athletic team member weight and height;
  7. Post-high school plans; and
  8. Student diploma(s), certificate(s), award(s), or honor(s) received.

Except for elements of a student's directory information which the student's parent or an eligible student has notified the District not to disclose, the District may release or disclose student directory information without prior consent of the student's parent/eligible student. Within the first three weeks of each school year, the District will provide notice to parents/eligible students of their rights under FERPA and that the District may publish directory information without their prior consent. Parents/eligible students will be given until the third week of school to notify the District in writing of any or all directory information items that they refuse to permit the District to release or disclose. Notice from a parent/eligible student that any or all directory information shall not be released will only be valid for that school year and must be re-issued each school year.

- D. **"Personally Identifiable Information"**. "Personally identifiable information" is defined as data or information which makes the individual who is the subject of a record known, including information such as: a student's name; the student's or student's family's address; the name of the student's parent or other family members; a personal identifier such as a student's Social Security number; the student's date of birth, place of birth, or mother's birth name. "Personally identifiable information" also includes other information that, alone or in combination, is linked or linkable to a specific student; that would allow a reasonable person in the school community, who does not have personal knowledge of the

relevant circumstances, to identify the student with a reasonable certainty; or other information requested by a person whom the District reasonably believes knows the identity of the student to whom the education record relates.

- E. **FERPA Definition of "Parent"**. For the purposes of this policy, the term parent shall mean and include a natural. parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian, and all of their plural or singular forms.
- F. **Annual Notification/Rights of Parents and Eligible Students**. Within the first four weeks of each school year, *the* District will publish notice to parents and eligible students of their rights under State law, Federal law, and this policy. The District will send a notice listing these rights home with each student. The notice will include:
1. The rights of parents or eligible students to inspect and review the student's education records;
  2. The intent of the District to limit the disclosure of information in a student's record, except: (a) by the prior written consent of the parent or eligible student; (b) as directory information; or (c) under certain, limited circumstances, as permitted by law;
  3. The right of a student's parents or an eligible student to seek to correct parts of the student's educational records which he/she believes to be inaccurate, misleading, or in violation of student rights; this includes a hearing to present evidence that the records should be changed if the District decides not to alter them according to the parent's or eligible student's request;
  4. The right of any person to file a complaint with the United States Department of Education if the District violates FERPA; and
  5. The procedure that a student's parents or an eligible student should follow to obtain copies of this policy.
- G. **Procedure To Inspect Education Records**. Parents or eligible students may inspect and review that student's education records. In some circumstances, it may be more convenient for the record custodian to provide copies of records.

Since a student's records may be maintained in several locations, the school Principal may offer to collect copies of records or the records themselves from locations other than a student's school, so that they may be inspected at one site. If parents and eligible students wish to inspect records where they are maintained, school Principals will determine if a review at that site is reasonable.

Although not specifically required, in order that a request is handled in a timely manner, parents/eligible students should consider submitting their request in writing to the school Principal, identifying as precisely as possible the record or records that he/she wishes to inspect. The Principal will contact the parents or the eligible student to discuss how access is best arranged for their inspection or review of the records (copies, records brought to a single site, etc.).

The Principal will make the needed arrangements as soon as possible and notify the parent or eligible student of the time and place where the records may be inspected. **This procedure must be completed within fourteen (14) days of when the request for access is first made.** *Note: the fourteen (14) day limit is required under New Hampshire RSA 189:66, IV, in contrast to the forty-five (45) day period otherwise allowed under FERPA.*

If for any valid reason such as the parent's working hours, distance between record location sites or the

parent or student's health, a parent or eligible student cannot personally inspect and review a student's education records, the Principal may arrange for the parent or eligible student to obtain copies of the records.

When records contain information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students. If such records do contain the names of other students, the Principal will seek consultation with the Superintendent and/or the District's attorney to determine how best to proceed. *Where practicable, it may be necessary to prepare a copy of the record which has all personally identifiable information on other students redacted, with the parent or eligible student being allowed to review or receive only a copy of the redacted record. Both the original and redacted copy should be retained by the District.*

H. **Procedures To Seek To Correction of Education Records.** Parents of students or eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading, or in violation of student rights. FERPA and its regulations use both "correct/ion" and "amend." For the purposes of this policy, the two words (in all of their respective forms) shall mean the same thing unless the context suggests otherwise. To establish an orderly process to review and correct (amend) the education records for a requester, the following processes are established.

1. **First-level decision.** When a parent or eligible student finds an item in the student's education records that he/she believes is inaccurate, misleading or in violation of student rights, he/she should submit a written request asking the building Principal to correct it. If the records are incorrect because of clear error and it is a simple matter to make the change, the Principal should make the correction. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

If the Principal believes that the record should not be changed, he/she shall:

- a. Provide the requester with a copy of the questioned records at no cost;
  - b. Ask the parent/eligible student to initiate a written appeal of the denial of the request for the change, which will be forwarded to the Superintendent;
  - c. Forward the written appeal to the Superintendent; and
  - d. Inform the parents/eligible student that the appeal has been forwarded to the Superintendent for a decision.
2. **Second-level decision.** If the parent/eligible student wishes to challenge the Principal's decision to not change the student record, he/she may appeal the matter to the Superintendent. The parent/eligible student shall submit a written request to the Principal asking that the matter be appealed to the Superintendent. The Principal will forward the appeal to the Superintendent.

The Superintendent shall, within ten (10) business days after receiving the appeal:

- a. Review the request;
- b. Discuss the request with other school officials;
- c. Make a decision whether or not to make the requested correction to the educational record;
- d. Schedule a meeting with the parents/eligible student if the Superintendent believes such a meeting would be necessary; and

- e. Notify the parents/eligible student of the Superintendent's decision on their request to correct the student's educational record.

If the Superintendent determines the records should be corrected, he/she will make the change and notify the parents/eligible student in writing that the change has been made. The letter stating the change has been made will include an invitation for the parent/eligible student to inspect and review the records to verify that the records have been corrected and the correction is satisfactory. If the records are changed to the parent's/eligible student's satisfaction, both parties shall sign a document/form stating the date the records were changed and that the parent/eligible student is satisfied with the correction.

If the Superintendent determines the records will not be corrected, he/she will notify the parents/eligible student in writing of his/her decision. Such a letter will also notify the parents/eligible student of their right to an appeal hearing before the School Board.

3. **Third-level decision.** If the parents or eligible student are not satisfied with the Superintendent's decision, they may submit a written request for a hearing before the School Board. The parents/eligible student shall submit the request for a hearing with the Superintendent within ten (10) business days of the date of the Superintendent's written decision in Section H.2, above. The Superintendent will inform the School Board of the request for a hearing and will work with the School Board to schedule a hearing within forty five (45) days of receipt of the request. Once the meeting is scheduled, the Superintendent will inform the parents/eligible student in writing of the date, time, and place of the hearing.

The hearing will be held in non-public session consistent with the provisions of RSA 91-A:3, unless the parent/eligible student requests that the hearing be held in public session. The School Board will give the parent/eligible student a full and fair opportunity to present evidence relevant to the issues raised under their request. The parents/eligible students may be assisted or represented by one or more individuals of their own choice, including an attorney.

The School Board will issue its final decision in writing within thirty (30) days of the hearing, and will notify the parents/eligible student thereof via certified mail, return receipt requested. The School Board will base its decision solely on the evidence presented at the hearing. The School Board's written decision will include a summary of the evidence and the reasons for its decision.

If the School Board determines that the student record should be corrected, it will direct the Superintendent to do so as soon as possible. The Superintendent will then contact the parents/eligible student for a meeting so they can review and inspect the records to verify that they have been corrected. At this meeting, both parties shall sign a document/form stating the date the records were corrected and that the parent/eligible student is satisfied with the correction.

The School Board's decision will be final, except as otherwise provided by law.

4. **Parent/Eligible Student Explanation to be Included in Record.** Notwithstanding the resolution of any request to correct a student's record(s), in accordance with section (a)(2) of FERPA, a parent or eligible student may insert into that student's educational record a written explanation regarding the content of the record.
- I. **Disclosure of Student Records and Student Information.** In addition to directory information, the District may disclose student records and student information without consent to the following parties on the condition that the recipient agrees not to permit any other party to have access to the released information without the written consent of the parents of the student, and under the conditions specified.

1. *School officials with a legitimate educational interest.* A school official may only access student records when the school official has a legitimate educational interest.
  - a. *"School officials"* means persons employed or used by the District to perform institutional services and functions, and includes such persons as teachers, instructional aides, administrators, including health or medical staff, school resource officers, and third parties such as contractors, attorneys, consultants, and volunteers. Such third party school officials may access student records provided such persons are:
    1. Under the District's direct control with respect to the use and maintenance of education records; and
    2. Prohibited from disclosing the information to any other party without the prior written consent of the parent/eligible student, or as otherwise authorized by law.
  - b. "Legitimate educational interest" includes performing a task or engaging in an activity related to (i) one's regular duties or professional responsibilities, (ii) a student's education, (iii) the discipline of a student, (iv) a service to or benefit for a student, (v) measures to support student success, and (vi) the safety and security of the campus.
2. *Other schools into which a student is transferring or enrolling*, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. This exception continues after the date that a student has transferred
3. *Officials for audit or evaluation purposes.*
4. *Appropriate parties in connection with financial aid.*
5. *Organizations conducting certain studies for, or on behalf of, the School District.* Student records or student information will only be provided pursuant to this paragraph if the study is for the purpose of: developing, validating or administering predictive tests; administering student aid programs; or improving instruction. The recipient organization must agree to limit access to the information and to destroy the information when no longer needed for the purpose for which it is released. Additionally, any such studies must comply with the provisions of Board policy ILD.
6. *Accrediting organizations.*
7. *Judicial orders or lawfully issued subpoenas*, upon condition that parents and the student are notified of all such orders or subpoenas in advance of compliance therewith by the District, except when a parent is a party to a court proceeding involving child abuse or neglect or dependency. The Principal shall consult with the Superintendent and legal counsel as needed to ensure compliance with the judicial order and applicable law.
8. *Health and safety emergencies.*

J. **Maintenance of Student Records and Data.** The Principal of each building is responsible for record maintenance, access, and destruction of all student records. All school district personnel having access to records shall place great emphasis upon privacy rights of students and parents.

All entries into student records must be dated and signed by the person accessing such records.

The principal will ensure that all records are maintained in accordance with applicable retention schedules as may be established by law.

K. **Disclosures Made From Education Records.** The District will maintain an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of the information it discloses and persons to whom it permits access, with some exceptions listed below. This record is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parent(s) of the student or to federal, state, or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record includes:

1. The name of the person who or agency which made the request;
2. In the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and the parties to whom the agency or institution disclosed the information;
3. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made;
4. The date on which the person or agency made the request; and
5. The interest which the person or agency has in the information.

The District will maintain this record as long as it maintains the student's education record. The records do not include requests for access or information relative to access which has been granted to parent(s) of the student or to an eligible student; requests for access or access granted to officials of the District who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent/eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

The records of a request for the correction of an educational record, including any appeal of a denial of that request, if the educational record is ultimately corrected shall not be treated as part of the educational record of the student and shall be preserved separately.

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

#### **NH Statutes**

RSA 189:1-e

RSA 189:66

RSA 91-A:5,III

#### **Federal Regulations**

34 CFR. Part 99

#### **Description**

[Directory Information](#)

[Data Inventory and Policies Publication](#)

[Exemptions, Pupil Records](#)

#### **Description**

[Family Educational Rights and Privacy Act Regulations](#)

**Federal Statutes**

20 U.S.C. §1232g

**Cross References****Description**[Family Educational Rights and Privacy Act \(FERPA\)](#)**Code**

DAF

DFGA

ECAAF

EEAA

EH

EH-R(1)

EH-F(1)

EH-F(2)

EHB

EHB-R(1)

GBJA

GBJA-R(1)

ILD

ILD-R(1)

JKAA

**Description**[Administration of Federal Grant Funds](#)[Crowdfunding](#)[Audio and Video Surveillance on School Buses](#)[Video and Audio Surveillance on School Property](#)[Public Access to School District Records](#)[Public Access to School District Records - Procedures for  
Public Access to District Records "Right to Know Requests"](#)[Public Access to School District Records - Request for  
Waiver of Electronic Communication Record Charge](#)[Public Access to School District Records - Affidavit of  
Indigency for Waiver of Electronic Communication Charge](#)[Data/Records Retention](#)[Data/Records Retention - Local Records Retention Schedule](#)[Health Insurance Portability and Accountability Act \(HIPAA\)](#)[Health Insurance Portability and Accountability Act \(HIPAA\)](#)[Non-Educational/Non-Academic Questionnaires, Surveys &  
Research](#)[Non-Educational/Non-Academic Questionnaires, Surveys &  
Research - Protection of Pupil Rights Amendment -  
Supporting Forms](#)[Use of Restraints and Seclusion](#)

Adopted: 8/26/03

Revised and First Reading: 8/25/15

Second Reading and Approval: 9/8/15

Reviewed: 1/30/20; 1<sup>st</sup> Reading: 10/27/20; 2<sup>nd</sup> Reading/ Adopted: 11/10/20Reviewed/1<sup>st</sup> Reading: 4/8/25; 2<sup>nd</sup> Reading/Adopted: 4/22/25

