NH School Administrative Unit 106 | Timberlane Regional School District
30 Greenough Road, Plaistow, NH 03865 Voice: (603) 382-6119 Fax: (603) 382-3334
Timberlane.net @TimberlaneRegional @TimberlaneRSD @TimberlaneRSD

The Timberlane Regional School District will host a Policy Committee (PC) meeting on November 5, 2026 at 5:00 PM in the SAU Boardroom.

The Policy Committee will be reviewing/further discussing the following policies:

1. **KCD – Public Gifts and Donations** [Approved for first read 10/1/26. Suggested to remove language in paragraph 4: "The acceptance of all gifts will be made in public session" as we do not practice this]
2. **KHC - Public Gifts to Schools** [Motion to bring back for review. NHSBA does not maintain this policy. Should it be repealed? Review for alignment with KCD Public Gifts and Donations]
3. **IGA - Curriculum Adoption and Policy** [Approved for first read on 10/1/26]
4. **EH – Public Access to School District Records** [Approved for first read on 10/1/26. TRSD does not have this policy but follows its Right-to-Know procedure. Included in this packet, is EH-R and EH-F 1 & 2 for reference]
5. **IMDA Patriotic Exercises & IMDA-R Flag Displays** [Request from Board to review flag policy]
6. **JJJ - Access to Public to Public School Programs by Non-Enrolled Students** [Amendment to RSA 193:1-c by HB1817]

Suggested policies for future meetings:

1. JH - Student Absences and Excuses [Hold to review Truancy Law and its references in Policy. Approved for first read on 9/3/26. Revisions have been included. Recent approval of revisions to IMBA - Remote Learning, review section: Attendance Criteria Procedures for Students Engaged in Remote Learning]
2. JRA – Student Records and Access
3. ACF - Food and Nutrition Services [Required by law. TRSD does not have. Suggest to consult with legal to be in compliance with AC, ACAA, and ACAB]
4. JLCK – Special Physical Health Needs of Students [ED306 revisions]
5. IKB – Homework [ED306 revisions]
6. IMDB – Credit for 7th/8th Grade Coursework [ED306 revisions]
7. JLIA – Supervision of Students [ED306 revisions]

The Policy Committee has moved/tabled the following policies for FY27:

1. **GCCAD - Leave for Uniformed Service Members or Their Spouses** [Adopted 10/1/26]
2. **BGAA – Policy Development, Adoption, & Review** [Revised 10/1/26]
3. **BGF – Waiving, Suspending & Revoking Policies** [Moved to Board to repeal since 10/1/26]
4. **JICK – Bullying Prevention** [Revised 9/17/26]
5. **IC - School Year and School Year Calendar** [Moved to Board for second read on 11/5/26]

Timberlane Regional School District	Policy Code: KCD
Adopted: 10-16-08 **Reaffirmed: 10-06-16** **Revised: 04-19-18** **Revised: 02-21-19** **Revised: 11-02-23**	**Page 1 of 2**

PUBLIC GIFTS AND DONATIONS

Gifts from organizations, community groups and/or individuals, which will benefit the District, shall be encouraged. A gift shall be defined as money, real or personal property and personal services provided without consideration.

Individuals or groups contemplating presenting a gift to a school or the district shall be encouraged to discuss in advance with the Building Principal or the Superintendent or Superintendent's designee what gifts are appropriate and needed.

The Board reserves the right to refuse any gift that does not contribute to the achievement of the district's goals, or in which the ownership of the gift would tend to deplete the resources of the district. In determining whether a gift will be accepted, consideration shall be given to district policies, school district goals and objectives (with particular emphasis on the goal of providing equal educational opportunities to all students) and adherence to basic principles outlined in the regulation that accompanies this policy.

The Superintendent or Superintendent's designee may accept gifts in the amount of $2,500 or less. Gifts in excess of $2,500 may only be accepted by the Board. Additionally, pursuant to RSA 198:20-b, gifts in the amount of $20,000 or more shall require the Board to hold a public hearing regarding any action to be taken with the gift. For gifts of less than $20,000, the Board will post notice of the gift in the agenda of the next regularly scheduled Board meeting and will include notice in the minutes of the meeting in which the gift is discussed. The acceptance of all gifts will be made in public session.

Any gift accepted shall become the property of the district, may not be returned without the approval of the Board, and is subject to the same controls and regulations as are other properties of the district. The Board shall be responsible for the maintenance of any gift it accepts.

At the time of acceptance of the gift, there will be a definite understanding with regard to the use of the gift, including whether it is intended for the use of one particular school or all schools in the district. The Board will make every effort to honor the intent of the donor in its use of the gift, but reserves the right to utilize any gift it accepts in the best interest of the educational program of the district. In no case shall acceptance of a gift be considered to be an endorsement by the Board of a commercial product or business enterprise or institution of learning.

It is the responsibility of the Superintendent or Superintendent's designee to process the appropriate forms to update inventory and to notify the donor of acceptance or rejection of a gift.

Timberlane Regional School District	Policy Code: KCD
Adopted: 10-16-08 **Reaffirmed: 10-06-16** **Revised: 04-19-18** **Revised: 02-21-19** **Revised: 11-02-23**	**Page 2 of 2**

Voluntary contributions by District employees of supplies or other minor items of personal property to be used in classrooms or school programs with an aggregate value over the school year of less than $250 are permitted without further approval or documentation. Receipt of voluntary contributions being made by District employees with a value of $250 or more must be approved as required in this policy for gifts from individuals not employed by the District.

Active solicitation of gifts to be received by the District, including by any school, classroom, or program in the District, including soliciting gifts through online crowdfunding web sites must be approved in advance by the Superintendent or Superintendent's designee where the value of the gift sought is less than $500 and by the Board where the value of the gift sought is $500 or greater.

Crowdfunding Disclaimer

Crowdfunding projects and fundraising campaigns by parents, teachers, and students that are implemented to raise money for classrooms, extracurricular activities, field trips, and other school-related purposes only may state their affiliation with the school district, but may not claim to represent or be raising funds on behalf of the school district without the prior approval of the Superintendent.

While the School Board fully supports any effort to give back to the school community and support our students, some of the crowdfunding webpages use the school districts' name, logo, or mascot to, among other things, get users to make private donations. Without approval of the Superintendent, these projects and campaigns are not affiliated with and have not been approved or sanctioned by the school district.

The purpose of this policy is to protect the use of the school district's name and logo and to ensure that such fundraising and related crowdfunding projects are consistent with the school district's interests and mission and are created in compliance with the law. To that end, the school district hereby expressly disclaims any responsibility or liability for any financial or other loss associated with any fundraising or crowdfunding project or webpage.

Policy KCD: Public Gifts/Donations

Status: ADOPTED

Original Adopted Date: 03/01/2005 **| Last Revised Date:** 09/18/2023 **| Last Reviewed Date:** 09/18/2023

Category: Recommended

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ADOPTION/REVISION NOTES –
Text between the highlighted lines "~ ~ ~ ~", and highlights in this sample should be removed prior to adoption

a. ***Special adoption note:*** *THIS POLICY IS ONLY APPLICABLE TO SCHOOL DISTRICTS WITH ANNUAL MEETINGS - By its express terms, RSA 198:20-b only applies to districts with annual meetings. "City dependent districts" or districts with charters under which the Legislative Body is other than annual meeting should consult with private counsel regarding reception of gifts or other unanticipated revenue.*
b. ***Special adoption note:*** *This sample policy allows the District to accept gifts - which generally will fall into the classification of "unanticipated revenue" and are therefore subject to the provisions of RSA 198:20-b. Under that statute, the board may accept gifts of money if, at annual meeting, the district approves a warrant article authorizing the school board to accept AND expend unanticipated revenue.* ***UNLESS*** *such a vote has occurred, the only way money may be accepted and expended is through a warrant approved by the legislative body. This policy presumes that the district has approved such an article. If a board has questions about whether it has that authority/approved such an article, it should consult with the Dept. of Revenue Administration, or the DOE, or its own annual meeting records.*
c. ***Special adoption note:*** *Many districts have gift/unanticipated revenue policies structured differently than this sample, policies which were likely prepared in consultation with legal or financial advisors. There is no requirement that a board adopt this sample. Boards with differently structured gift/unanticipated revenue policies may want to review the dollar amounts in their policies and determine whether such amounts should be modified to reflect the increase in the amounts that the board may accept without notice and hearing.*
d. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.*
e. *General – Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
f. *General – {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
g. *General – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised - Sept. 2023, Sept. 2017, Feb. 2008, March 2005

NHSBA revision notes, September 2023, sample was revised principally to reflect 2023 passage of HB207, which amended RSA 198:20-b, and increased the amount from $5,000 to $20,000 of unanticipated revenue a school board may accept without the need for 7 day notice and public hearing. Additional revisions made included: (1) change the classification from optional to recommended, (2) increasing amount Superintendent may accept from $500 to $2,500 (this amount is not one set by statute, but rather policy, so the board can allow any amount here up to $19,999), and (3) language added to better coordinate the sample with the sample DFGA relative to crowdfunding efforts. ***See also adoption notes b and c, above.*** **September 2017:** Sample was revised to include and clarify the treatment of small "gifts" by staff and to provide that pre-approval is required for soliciting gifts that will be made to the District, including use of web sites like donorchoose.org.

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Gifts from organizations, community groups and/or outside individuals, which will benefit the District, shall be encouraged. A gift shall be defined as money, real or personal property, and personal services provided without consideration.

Individuals or groups contemplating presenting a gift to a school or the District shall be encouraged to discuss in advance with the Building Principal or the Superintendent what gifts are appropriate and needed.

The Board reserves the right to refuse any gift that does not contribute to the achievement of the District's goals, or in which the ownership of the gift would tend to deplete the resources of the District. In determining whether a gift will be accepted, consideration shall be given to District Policies, School District goals and objectives (with particular

emphasis on the goal of providing equal educational opportunities to all students) and adherence to basic principles outlined in the regulation that accompanies this policy.

The Superintendent may accept gifts subject to the terms of this policy in the amount of $2,500 or less. The Superintendent will advise the Board in advance of acceptance if possible, or if, after acceptance, at the next regularly scheduled Board meeting. Gifts in excess of $2,500 may only be accepted by the Board. Additionally, pursuant to RSA 198:20-b, III, gifts in the amount of $20,000 or more shall require the Board to hold a public hearing regarding any action to be taken with the gift. For gifts of less than $20,000, the Board will post notice of the gift in the agenda of the next regularly scheduled Board meeting and will include notice in the minutes of the meeting in which the gift is discussed. The acceptance of all gifts will be made in public session.

Any gift accepted shall become the property of the district, may not be returned without the approval of the Board, and is subject to the same controls and regulations as are other properties of the District. The Board shall be responsible for the maintenance of any gift it accepts.

At the time of acceptance of the gift, there will be a definite understanding with regard to the use of the gift, including whether it is intended for the use of one particular school or all schools in the District. The Board will make every effort to honor the intent of the donor in its use of the gift, but reserves the right to utilize any gift it accepts in the best interest of the educational program of the District. In no case shall acceptance of a gift be considered to be an endorsement by the Board of a commercial product, business enterprise or institution of learning.

It is the responsibility of the Superintendent or designee to process the appropriate forms to update the District's inventory and to notify the donor of acceptance or rejection of a gift.

Voluntary contributions by District employees of supplies or other minor items of personal property to be used in classrooms or school programs with an aggregate value over the school year of less than $250 are permitted without further approval or documentation. Receipt of voluntary contributions being made by District employees with a value of $250 or more must be approved as required in this policy for gifts from individuals not employed by the District.

Active solicitation of gifts to be received by the District, including by any school, classroom, or extra/co-curricular program in the District, through online crowd funding or donor web sites (e.g, donorschoose.org, classful.com, etc.) must be approved in accordance with Board policy {**} DFGA.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:

Timberlane Regional School Board	Policy Code: KHC
Adopted: 08-18-83 **Revised: 08-08-91** **Revised: 02-24-05**	**Page 1 of 1**

PUBLIC GIFTS TO THE SCHOOLS

All gifts given to the school other than token gifts to school personnel will become the property of the district.

The Superintendent is authorized to accept gifts to the district and others whom he may designate will be authorized to accept gifts for particular schools on behalf of the Board. The donor will be officially thanked in the Board's name and all major gifts will be reported to the Board and publicly announced.

In instances where the Superintendent or his/her designee doubts the appropriateness or usefulness of an offered gift, the gift may be declined or the matter may be referred to the Board.

The Board welcomes gifts of books and other material to school libraries provided that they meet the same standards of selection as those applied to the purchase of library materials.

School libraries may dispose of gifts at their discretion (i.e., if the book is out-of-date or in poor condition).

Appendix KHC-R

Timberlane Regional School District	Policy Code: IGA
Adopted: 06-16-83 **Revised: 05-02-91** **Revised: 06-18-09** **Revised: 06-05-14** **Revised: 01-08-15**	**Page 1 of 1**

CURRICULUM DEVELOPMENT AND ADOPTION

It is the policy of the Timberlane Regional School Board to provide a curriculum that is aligned with statewide and national standards, that is coordinated throughout all buildings and grade levels, and that fulfills the mission and goals of the Timberlane Regional School District.

It will be the responsibility of the Superintendent and the professional staff to make recommendations to the School Board that will ensure curriculum and instructional practices that are up-to-date and consistent with the responsibilities of contemporary education and standards established by the New Hampshire Department of Education.

The Superintendent will establish curriculum committees for the on-going study of curriculum improvement, including the selection of new instructional materials, as found necessary and desirable to implement this policy.

The Board believes it is important to empower our professional staff to recommend and support the implementation of instructional change. All teachers have professional obligations to the school beyond regular classroom duties, and these obligations include work on curriculum committees. It is expected that all teachers will make contribution to curriculum development.

The School Board will support efforts to investigate new curricular ideas, develop and improve programs, and evaluate results through appropriation of funds for specific curriculum development proposals approved by the School Board. The Superintendent will make recommendations to the Board regarding the specific level of funding for approved proposals.

The School Board will review all curricula developed and written by the professional staff in the schools. No basic course of study shall be eliminated or new courses added without approval of the Board, nor shall any significant alteration or reduction of a course of study be made without Board approval. No action will be taken on proposed changes by the Board until the meeting following the presentation by the administration so that Board members may have the opportunity to review the proposed program. Additionally, no course in the Program of Studies will be cancelled in the academic year without approval of the Superintendent or designee.

The Board in reviewing and evaluating curriculum recommendations may solicit community opinion.

Legal Reference:

NH Code of Administrative Rules, Section Ed. 302.02(f), Substantive Duties of Superintendents
NH Code of Administrative Rules, Section Ed. 303.01(g), Substantive Duties of School Boards

Policy IGA: Curriculum Development **Status:** ADOPTED

Original Adopted Date: 07/01/1998 | **Last Revised Date:** 07/01/2004 | **Last Reviewed Date:** 07/01/2004

Category: Recommended

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ADOPTION/REVISION NOTES –
Text between the highlighted lines "~ ~ ~ ~", and highlights in this sample should be removed prior to adoption.

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

NHSBA history:
Revised: July 2004
Revised: November 1999
Revised: July 1998

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Curriculum development must be viewed as an encompassing task involving the total community -- students, teachers, parents, -- working cooperatively to develop a curriculum that offers a wide variety of approaches to education and to provide a more flexible and purposeful approach to the search for an increasingly complex world.

The Board will encourage and support the professional staff in its efforts to investigate new curricular ideas, develop and improve programs, and evaluate results.

The Superintendent will spearhead curriculum development for the school system. The Superintendent will establish curriculum committees for the study of curriculum improvements, including the selection of new instructional materials, as found necessary and desirable.

The Board will make final decisions on curriculum change. The Superintendent will submit to the Board recommendations developed by the curriculum committees and the professional staff. The Board in reviewing and evaluating curriculum recommendations may solicit community opinion. Recommendations will be submitted to the Board for its consideration and adoption.

All teachers have professional obligations to the school program beyond regular classroom duties,

and these obligations include work on curriculum committees. It is expected that all teachers will make contributions to curriculum development.

District Policy History:

First reading: _____
Second reading/adopted: _____

District revision history:

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

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NH Dept of Ed Regulation	Description
N.H. Code Admin. Rules Ed 302.02(f)	Substantive Duties of Superintendents
N.H. Code Admin. Rules Ed 303.01 (g)	Substantive Duties of School Boards

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Category: Recommended

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***ADOPTION«REVISION NOTES ***

Text between the high⑫ghted ⑪nes '¶¶¶¶'⁋and high⑫ghts in this samp⑭shou⑪be removed prior to adopt̆on;

a. *Genera⑪ As with a⑬amp⑭po⑫ies⁋NHSBA recommends that each district carefu⑭review this samp⑭prior to adopt̆on«revision to assure suitabi⑪y with the district.s own specific circumstances⁋interna⑫oding system⁋current po⑫ies⁋and organizat̆ona⑬tructures;*
b. *High⑫ghted ⑬nguage or b⑬nk⁋underscored spaces indicate areas which Boards shou⑪review⁋ change or comp⑭te to reflect ⑯ca⑪ersonne⑪t⑯⁋interna⑭externa⑪po⑫y references⁋duty assignments etc;*
c. *[{{] indicates a reference to another NHSBA samp⑭po⑫y; A district shou⑪check its own current po⑫ies and codes to assure interna⑫onsistency;*
d. *Withdrawn ' ear⑫r versions of revised po⑫ies shou⑪be maintained separate⑪as part of the permanent records of the District;*

NHSBA history:

Revised: July 2004

Revised: November 1999

Revised: July 1998

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It is the policy of the Board that no basic course of study shall be eliminated or new courses added without approval of the Board, nor shall any significant alteration or reduction of a course of study be made without such approval.

New programs and courses of study shall not be acted upon by the Board until the meeting following their presentation by the administration so that Board members may have opportunity to review the proposed program.

District Po⑫y History:

First reading: ______________________

Second reading«adopted: ______________

District revision history

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

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N.H. Code Admin. Rules Ed 302.02(f) Substantive Duties of Superintendents

N.H. Code Admin. Rules Ed 303.01 (g) Substantive Duties of School Boards

TRSD's current Procedure

Right to Know (RTK)

RIGHT TO KNOW REQUEST PROCEDURE

Right to Know requests shall be submitted to the Superintendent's Office in writing (emails are acceptable to rtk@timberlane.net (mailto:rtk@timberlane.net). Please include "RTK" in the subject of the email. Although written requests are not required by law, it is beneficial to both the District and the requester to have documentation of the request.

Pursuant to RSA 91-A and upon receipt of a Right to Know request, the School District shall within 5 business days make such record available, deny the request in writing with reason, or furnish written acknowledgement of the request and include a statement of the time reasonably necessary to determine whether the request shall be granted or denied.

Materials and/documentation produced to fulfill a Right to Know request shall be subject to a charge of $.50 per page when hardcopies are provided. Hardcopies shall be picked up at the Superintendent's office during normal business hours. For materials that are requested in an electronic format and are maintained or available in electronic format (including but not limited to video recordings) requesters shall provide their own thumb drive (in original, sealed packaging only) or the District shall provide the thumb drive at the requester's expense. Electronic copies shall be retrieved at the Superintendent's office during normal business hours.

Can I help you find something? 👋

Let's find the answer together!

Policy EH: Public Access to School District Records **Status:** ADOPTED

Original Adopted Date: 07/01/1998 **| Last Revised Date:** 09/30/2024 **| Last Reviewed Date:** 09/30/2024

Category: Recommended

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ADOPTION/REVISION NOTES –
Text between the highlighted lines "~ ~ ~ ~", and highlights in this sample should be removed prior to adoption.

a. ***Special Note -*** *The revisions to this policy generally are the result of a comprehensive revision to EH-R, formally designated an administrative procedure that did not necessarily require Board approval. However, new language in RSA 91-A:4 (via HB1002) requires a "transparent policy" relative to certain components of what are otherwise procedures. Accordingly, we have revised both EH and EH-R, with the revisions generally intended to reflect that EH-R should now require Board approval as a "procedural policy".*
b. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.*
c. *General – Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*
d. *General – {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*
e. *General – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised – Sept. 2024, Nov. 2019, Sept. 2017, Sept. 2008, Oct. 2005, Nov. 1999, July 1998

NHSBA revision notes: **September 30, 2024**, revisions generally intended to reflect that EH-R should now require Board approval as a "procedural policy" due to contemporaneous revisions to EH-R in response to 2024 amendments to 91-A:4 relative to fees for electronic communications. November 2019, the subject matter of the earlier version of this policy was merged with the content of the overlapping/redundant BEDG-R, and re-codified as new procedural document EH-R. BEDG-R has been withdrawn from the NHSBA sample policy/appendix manual. New sample EH-R is based on former BEDG-R, but also includes revisions to reflect legislative changes to RSA 91-A:4, IV by 2019 N.H. Laws Ch. 163 (HB 286) and Ch. 107 (HB 396), the most significant of which requires a written statement identifying the specific exemption under 91-A:5 or otherwise that applies when a record is withheld from disclosure (or redacted); **September 2017,** updated to conform with then current language of 91-A.

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The Superintendent is hereby designated the custodian of all "District records", which term shall have the same meaning as "governmental records" as that terms is defined in the state's Right to Know law, RSA 91-A:1-a. Without limiting that meaning, District records shall include board or board committee minutes, documents, writings, letters, memoranda, e-mails, images, or other information of any kind kept or maintained by the District in any physical form (written, visual, electronic, digital, etc.).

The Board has adopted procedural policy EH-R*{**}*, to serve as the minimum requirements for procedures governing all requests by the public to inspect or obtain copies of school district records (i.e., "governmental records") and the District's responses to those requests. The Superintendent should develop additional written administrative procedures to ensure appropriate implementation of this policy and procedural policy EH-R*{**}*, Such administrative procedures shall conform in all respects to the Right to Know Law. They should contain provisions clearly indicating personnel responsible for processing any request for District records, as well as a method for logging and tracking both the requests and the responses, and may contain provisions for including a log on the District's website.

The Superintendent shall review such procedures annually and make such changes as are required as a result of legislative changes to the Right to Know or other applicable law or regulations, or as the Superintendent deems appropriate. Any changes to the written procedures should be provided to all appropriate personnel and to the School Board.

All District records shall be retained, deleted or destroyed in accordance with Board policy EHB*{**}*, and

Administrative Procedures EHB-R*{**}*. Minutes of school board meetings, and materials used to prepare the same, shall also be made available in accordance with Board policy BEDG*{**}*.

The Superintendent or designee is authorized to contact the District's attorney for any matter related to requests for public records and/or the development of the written procedures required under this policy.

***District Policy History*:**

First reading: _____
Second reading/adopted: _____

District revision history:

Form EH-F(1): Public Access to School District Records - Request for Waiver of Electronic Communication Record Charge

Status: ADOPTED

Original Adopted Date: 09/30/2024 **| Last Reviewed Date:** 09/30/2024

See PDF on the next page.

Appendix EH-R(1): Public Access to School District Records - Procedures for Public Access to District Records "Right to Know Requests"

Status: ADOPTED

Original Adopted Date: 11/01/2019 **| Last Revised Date:** 09/30/2024 **| Last Reviewed Date:** 09/30/2024

Category: Priority / Required By Law ***[{see Endnote #1} :policy is required if adopting section 8 regarding additional charges for extensive electronic communication production - otherwise Recommended]***

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ADOPTION/REVISION NOTES –

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

A. ***Special - Although styled and coded as a procedure, it should be reviewed by the Board. If the Board chooses to adopt the new section relating to charges for requests for large amounts of individual electronic communications (defined in Section 8.a, below), the Board should adopt in the same manner as other Board policies. In order to maintain connectivity to NHSBA samples, we would recommend that the code nonetheless remain EH-R.***

B. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.*

C. *General – Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/external policy references, duty assignments etc.*

D. *General – {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*

E. *General – Rescinded & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history: Revised - September 2024**. New Administrative Procedure –** November 2019.

NHSBA revision notes: September 30, 2024, The catalyst for the revision is passage of HB1002 (amending RSA 91-A:4). **See Endnote #1 for further information on the amendment.** However, the revisions to this sample also include re-formatting and re-arranging for flow, addition of captions and other edits, in addition to revisions responsive to HB1002, which (a) puts into law the long recommended practice of contacting a requester to try and simplify complicated or overly-broad requests, (b) allows additionalcharges for certain requests that result in extensive electronic communications - subject to certain exceptions, and (c) requires an estimation of costs to be made at the same time as the initial response to a request if the request will not be satisfied within the allotted 5 days, the appropriateness of allowing public bodies to charge for electronic communication records and requiring fee waivers in case of the requestor's financial hardship. **November 2019**, the subject matter of this new procedures document is derived from a merger of former sample BEDG-R (now withdrawn) and earlier sample policy EH (now revised). This sample (former BEDG-R), also includes revisions to reflect legislative changes to RSA 91-A:4, IV by 2019 N.H. Laws Ch. 163 (HB 286) and Ch. 107 (HB 396), the most significant of which requires a written statement identifying the specific exemption under 91-A:5 or otherwise that applies when a record is withheld from disclosure (or redacted).

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This procedural policy applies to all requests to inspect or obtain copies of "District records", which term shall have the same meaning as "governmental records" as that terms is defined in the state's Right to Know law, RSA 91-A:1-a. Without limiting that meaning, District records shall include board or board committee minutes, and any other documents, writings, letters, memoranda, e-mails, images, digital communications, or other information of any kind kept or maintained by the District in any physical form (written, visual, electronic, digital, etc.). The Superintendent is authorized to issue and enforce additional procedures as the Superintendent deems appropriate.

1. Board and Staff Member Responsibilities. All requests for access to or copies of District records should be made through the [________________the SAU office]. Any board member or staff member who receives a request from a member of the public to see, receive or otherwise inspect any District record(s) ("Right to Know request") should immediately communicate that request to [_________________the SAU office] for processing under Board policy {**}EH and these procedures.

2. **Written Requests Encouraged.** To help ensure common understanding between the requester and the staff responsible for responding to a request, persons making requests for records are strongly encouraged to submit their requests in writing and include a specific description of the desired record(s). A written request can greatly assist in minimizing confusion or misunderstanding exactly what is being requested.

   However, although written requests are preferred, a request will not be denied simply because it is not in writing. If the person making the request is unwilling or unable to put the request in writing, the staff member receiving the request shall reduce the request to writing and shall provide the person with a copy.

3. **Clarification, Refinement & Modification of Requests.** Carefully tailored requests can often be fulfilled more promptly and help avoid resources being expended retrieving and preparing material which exceeds what the requester is actually seeking. The Superintendent, designee or staff responsible for responding to a request may contact the person making the request if the request is unclear or will be time-consuming or onerous to fulfill to determine if the person will clarify the request or agree to narrow the request. Staff responsible for responding to the request may suggest to the requestor reasonable modifications to the scope or language of the request, but the requester is not required to accept them. Any modification, clarification or narrowing of the request agreed upon by the requester shall be documented in writing and a copy of the re-formed request provided to the person making the request.

4. **Record Availability.** Records requested under the Right-to-Know law which are not exempt under RSA 91-A:5 (or otherwise) will be made available immediately when such records are so available for such release. If such records are not immediately available, if a determination needs to be made if such records exist, or if a determination needs to be made whether such records are exempt from public disclosure, the Superintendent or designee will, within five (5) business days of the request, respond to the requestor, in writing. The response shall acknowledge receipt of the request, provide a statement of the time reasonably necessary to determine whether the request shall be granted or denied, and include an itemized estimate of the cost of making the record available. Records will be reviewed in their entirety by either the Superintendent or his/her designee before they are released in order to ensure that no confidential or exempted information is disclosed. District legal counsel may be consulted as necessary.

5. **Exempt Information and Redaction.** Information exempt from disclosure by RSA 91-A:5 or other law will not be disclosed. The Superintendent may authorize District staff to consult with the District's legal counsel when questions regarding application of exemptions to certain records or information arise.

   In some instances, records containing information exempt from disclosure may reasonably be redacted in order to make the remainder of the record accessible.

   If a member of the public requests records that are determined to include information exempt from disclosure, the Superintendent/designee will respond to the requestor, in writing, including a statement of the specific exemption authorizing the withholding, and a brief explanation of how the exemption applies to the record(s) or information withheld.

   Records will be reviewed in their entirety by either the Superintendent/designee before they are released in order to ensure that no confidential or exempted information is disclosed.

6. **Copy Fees.** The School District will charge a fee of _____*{insert fee amount or fee structure] {see *endnote}* for copying/photocopies of records when the person requests a paper copy. This fee reflects the actual cost of producing the copy(ies). No cost or fee shall be charged for the inspection or delivery, without copying of records, whether in paper, electronic, or other form***[{optional language to include only if adopting section 8, below}**, *except as described below for certain individual electronic communications].* Any costs associated with mailing copies - if available - must be paid for in advance of mailing.

   Electronic records may be provided ***[{OPTIONAL, see Endnote #2}*** [via e-mail or]on a portable storage device (thumb drive), if the requestor so requests and if such records can practically be delivered electronically. To protect the integrity of the District's computer system, a thumb drive for this purpose must either be provided by the requestor in unopened manufacturer's packaging or purchased at cost from the District.

7. **Electronic Records.** Electronic records (including electronic communications as defined in Section 8) may be provided on a portable storage device (thumb drive), if the requestor so requests and if such records can practically be delivered electronically. To protect the integrity of the District's computer system, a thumb

drive for this purpose must either be provided by the requestor in unopened manufacturer's packaging or purchased at cost from the District.

8. **[SECTION 8 IS OPTIONAL - See Endnote #1 for further information] Charges for Certain Electronic Communications.** In addition to the copying fees permitted under paragraph __, the District may charge a reasonable fee prior to disclosing certain electronic communications as set forth in this Section.

    a. Definitions. For purposes of this Policy, the terms below will have the definitions provided.

    "Individual electronic communication" includes the communication itself as well as the responses and attachments to each communication, under a single subject line. However, text or chat message threads regarding the same topic shall be considered an individual electronic communication unless the thread exceeds 50 individual messages, at which point each additional group of 50 messages will be a separate individual electronic communication.

    "Media requestors" means organizations or individuals who publish information in accepted digital, print, or broadcast formats and to standards generally recognized by professional news organizations that do not serve primarily as a platform to promote the interest and/or opinions of a special interest group, government, individual or cause.

    b. Digital Communication Charges. The District will charge *[insert fee of up to $1.00]* per individual electronic communication, regardless of whether the records are delivered in hard copy or electronically, subject to the following:

        i. No charge shall be issued for the first 250 individual electronic communications

        ii. Multiple requests from any person or entity to the same public body within a 30-day time period (measured from the date of the first request) shall be considered a single request (i.e. in the aggregate;

        iii. The charge shall be paid prior to any copies of electronic communications exceeding the first 250 individual electronic communications (as described above).

    c. Waiver of Digital Communication Charges. Waiver of digital communication charges is available as set forth below. It is up to the person or entity making the records request to apply for and establish the waiver using the **District's Waiver of Electronic Communication Record Charge Form *{**}*EH-F(1) ("Waiver Request Form"). The Waiver Request Form** may be filed at any time, but it is required after the requester receives the cost estimate for the charges and before the requested records are copied and made available). The waiver is available to requestors falling into one or more of the following categories:

        i. Any individual who can establish indigency as established by the federal poverty line (published each year by the Federal Department of Health and Human Services). For purposes of establishing indigency, individuals may use:

            1. copies of documentation submitted to or received from state or federal benefits agencies dated within 9 months;
            2. a completed "**Financial Affidavit for Waiver of Electronic Communication Charge**" ***{**}*EH-F(2)** ; or
            3. other documents or evidence satisfactory to the Superintendent or Superintendent's designee.

        ii. A media requestor or authorized representative of a media requester (satisfactory evidence of the status must be produced with the **Waiver Request Form**).

        iii. Any individual or entity who can establish that the disclosure of requested information requesting information is likely to contribute significantly to public understanding of the operations or activities of the district, its officials and its schools, and is not primarily in the commercial interest of the requestor. For purposes of meeting the criteria, the requestor must complete the pertinent section of the **Waiver Request Form**. In deciding whether the fee should be waived under this criteria, the Superintendent/designee will consider the following factors: ***[See Endnote #3 for source***

of criteria]

1. The subject of the request must concern identifiable operations or activities of the District, with a connection that is direct and clear, not remote or attenuated.

2. The disclosable portions of the requested records must be meaningfully informative about government operations or activities to be "likely to contribute" to an increased public understanding of those operations or activities. Information that is already in the public domain, in either the same or a substantially identical form, would not contribute to such understanding.

3. The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the requestor's individual understanding.

4. It should appear likely that the public's understanding of the subject will be enhanced to a significant extent by the disclosure.

District Policy/Procedure History:
First reading: _____
*Second reading/adopted:*_____
District revision history:

DELETE ALL END NOTES BEFORE ADOPTION

Endnote #1. 2024 Amendments to 91-A:4 allow districts to require an additional "charge" for copies of electronic communications that are voluminous. The amendments further require that if an entity adopts the provision allowing for the additional charges, it must have a policy relative to the charges. Unfortunately, the amendments also include requirements for waivers from the charge for 3 categories of requests or requestors. The tests for two of those might prove more problematic than simply providing the records themselves. Accordingly, districts may choose not to adopt provisions relating to the permitted charges, in which case the policy remains only recommended.

Endnote #2. The District may, but is not required to, provide copies of records via email.

Endnote #3. The factors listed as i - iv are adapted from the guidelines established by the U.S Department of the Interior Guidelines for FOIA fee waivers. https://www.doi.gov/foia/fees-waivers (Accessed 2024.9.26)

NHSBA SAMPLE FORM for EH-F(1)

Request for Waiver of Electronic Communication Record Charge Only needed if adopting optional Section 8 of EH-R(1)

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_____ School District, SAU ____

Request for Waiver of Charge for Individual Electronic Communications

This form should be used only when a person/entity is requesting a waiver of a charge for records of Individual Electronic Communications

Requestor Information:

Full Name: ____

Address: ____

City: __________________________ State: _________ Zip Code: _________

Email Address: ____

Phone Number: ____

Information Relating to Request for Electronic Communications:

Date of Records Request: __________________

Records Requested: (general description only) ____

____

Estimated Charge Provided by District/SAU $_______

Reason for Requesting Fee Waiver:

(Please check the box(es) that apply to your situation.)

☐ **Financial Hardship/Indigency.** This waiver is available to any individual who can establish indigency as established by the federal poverty line (published each year by the Federal Department of Health and Human Services). For purposes of establishing indigency, individuals may use:

i. copies of documentation submitted to or received from state or federal benefits agencies dated within 9 months;

ii. a completed "Financial Affidavit for Waiver of Charges";

iii. other documents or evidence satisfactory to the Superintendent or Superintendent's designee.

☐ **Media Requestor** (defined in EH-R and RSA 91-A:4, X). (Satisfactory evidence of the status must be produced at the time this form is submitted.)

☐ **Public Understanding** The request is not primarily in the commercial interest of the requestor, and disclosure requested information requesting information is likely to contribute significantly to public

understanding of the operations or activities of the district, its officials, employees or its schools.

In deciding whether the fee should be waived under this criteria, the Superintendent/designee will consider the following factors:

i. The subject of the request must concern identifiable operations or activities of the District, with a connection that is direct and clear, not remote or attenuated.

ii. The disclosable portions of the requested records must be meaningfully informative about government operations or activities to be "likely to contribute" to an increased public understanding of those operations or activities. Information that is already in the public domain, in either the same or a substantially identical form, would not contribute to such understanding.

iii. The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the requestor's individual understanding.

iv. It should appear likely that the public's understanding of the subject will be enhanced to a significant extent by the disclosure.

Outline or provide any information relative to the above criteria (especially iii & iv) which might assist the Superintendent/designee making a determination relative to the potential contribution to public understanding of the operations or activities of the District, its officials, employees or schools.

_____

_____

_____

(Please attach any documents that support your request for a waiver.)

CERTIFICATION

I hereby certify that the information provided in this request is true and correct to the best of my knowledge. I understand that providing false information may result in the denial of my request for a fee waiver.

Signature: _____

Date: _____

****For Office Use Only:****

Date Received: _____

Request Approved: ☐ Yes ☐ No

Approved By: _____

Notes: _____

Form EH-F(2): Public Access to School District Records - Affidavit of Indigency for Waiver of Electronic Communication Charge

Status: ADOPTED

Original Adopted Date: 09/30/2024 **| Last Reviewed Date:** 09/30/2024

See PDF on the next page.

NHSBA SAMPLE FORM for EH-F(2) – Only needed if adopting optional Section 8 of EH-R(1)

Affidavit of Indigency for Waiver of Electronic Communication Charge

~ ~

_____ School District, SAU ____

Request for Waiver of Charge for Individual Electronic Communications

This form should be used only when a person/entity is requesting a waiver of a fee for waiver of a charge for records of Individual Electronic Communications based upon indigency.

Requestor Information:

Full Name: ____

Address: ____

City: ___________________________ State: __________ Zip Code: __________

Email Address: ____

Phone Number: ____

Information Relating to Request for Electronic Communications:

Date of Records Request: ___________________

Records Requested: (general description only) ____

____

Estimated Charge Provided by District/SAU $_______

Eligibility Determination Form: Federal Poverty Guidelines

Applicant Information

- Name: ____
- Address: ____
- City: _____________________________________ State: ____ Zip Code: _______________
- Phone Number: ____
- Email Address: ____

Household Information

1. **Household Size**
   - Total number of people living in your household (including yourself): ____
2. **Household Members**
   - Please list each household member and their relationship to you:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Include additional household members on rear of form.

Income for the Current Year

- Annual **CURRENT*** gross income of the **ENTIRE** household (before taxes): $_____

(Although a tax return from a prior year can be helpful documentation, the amount included here should be based upon current circumstances. IInclude all sources of income: wages, salaries, social security, unemployment benefits, child support, etc.)

4. **Sources of Income** (Check all that apply):
    - Wages/Salary _____
    - Social Security
    - Unemployment Benefits
    - Child Support/Alimony
    - Pension/Retirement
    - Disability
    - Self-employment
    - Other: _____

Please attach any documents that support your statements above.

CERTIFICATION

I hereby certify that the information provided in this request is true and correct to the best of my knowledge. I understand that providing false information may result in the denial of my request for a fee waiver.

Signature: _____

Date: _____

****For Office Use Only:****

Date Received: _____

Request Approved: ☐ Yes ☐ No

Approved By: _____

Timberlane Regional School District	Policy Code: IMDA
Adopted: 06-16-83 **Reaffirmed: 05-02-91** **Revised: 02-24-05** **Revised: 02-15-18**	**Page 1 of 1**

PATRIOTIC EXERCISES

In accordance with federal law, the District shall offer an education program(s) each year on Constitution Day and Citizenship Day to commemorate the September 17, 1787 signing of the United States Constitution and recognize all who, by coming of age or by naturalization, have become citizens. The Superintendent or his/her designee shall establish administrative guidelines ensuring that the District observes Constitution Day and Citizenship Day properly and in a manner befitting the importance of the event.

During the weeks of Memorial Day and Veterans Day, the District will devote time for exercises of a patriotic nature, which may include a discussion of the words, meaning, and history of the Pledge of Allegiance and the Star Spangled Banner.

New Hampshire observes General John Stark day on the second Monday in April. Schools in the District shall commemorate the day with appropriate educational activities.

Legal References:

RSA 4:13-l, General John Stark Day
RSA 189:18, Patriotic Exercises
36 U.S.C. § 106, Constitution Day and Citizenship Day
Section 111 of Division J of Public Law 108-447 (2004)

See Appendix IMDA-R

Timberlane Regional School District	Procedure Code: IMDA-R
Adopted: 01-01-83 **Reaffirmed: 05-02-91** **Reaffirmed: 02-24-05** **Revised: 11-15-17**	**Page 1 of 1**

FLAG DISPLAYS DURING PATRIOTIC EXERCISES

The District shall comply with the provisions of the US Flag Code as it relates to traditional customs and practices of displaying the flag.

See https://www.gpo.gov/fdsys/pkg/USCODE-2011-title4/html/USCODE-2011-title4-chap1.htm

Policy IMDA: Patriotic Exercises

Status: ADOPTED

Original Adopted Date: 07/01/1998 | **Last Revised Date:** 06/10/2025 | **Last Reviewed Date:** 06/10/2025

Category: Recommended

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ADOPTION/REVISION NOTES –
Text between the highlighted lines "~ ~ ~ ~", and highlights in this sample should be removed prior to adoption.

a. *General – As with all sample policies, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures.*

b. *Highlighted language or blank, underscored spaces indicate areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc.*

c. *{**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.*

d. *Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.*

NHSBA history - Revised: June 2025, May 2018, September 2017, September 2016, September 2006, July 2004, November 1999, July 1998

NHSBA revision notes - June 2025, added provisions related to RSA 189:17 and 189:17-a relative to display of flags, and language from 2025 HB571 (signed into law on June 2, 2025 as Chapter law 70) amends 189:18 by adding examples of patriotic exercises required under the former version of the statute. **May 2018:** amended sample policy IMDA to include the requirement under RSA 194:15-c that schools set aside a period of time each day for the recitation of the Pledge of Allegiance. As noted in the sample, a district may not compel a student to participate. NHSBA suggested adoption considerations: Some districts have adopted separate "Patriotic Exercise" policies which include one or more of the provisions included in this revised IMDA. Upon a sampling of a few such policies, we did not find any which included all of the components. Districts should review their policies and consolidate as appropriate. **September 2017:** House Bill 91, Laws of 2017, Chapter 8, changes the date of General John Stark Day to the second Monday in April. That statute encourages schools to commemorate the day with appropriate educational activities. The policy is further updated to reflect a change to federal law which added "Citizenship Day" to the September 17th observation of Constitution Day. **September 2016:** Amendments to this Sample Policy are necessary due to the passage of HB 1300, which amends RSA 189:18. These legislative amendments require School Districts to engage in certain patriotic exercises. This Sample Policy remains categorized as "Recommended".

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Constitution and Citizenship Day.

In accordance with federal law, the District shall offer an education program(s) each year on Constitution Day and Citizenship Day to commemorate the September 17, 1787 signing of the United States Constitution and recognize all who, by coming of age or by naturalization, have become citizens. The Superintendent or his/her designee shall establish administrative guidelines ensuring that the District observes Constitution Day and Citizenship Day properly and in a manner befitting the importance of the event.

During the weeks of Memorial Day and Veterans Day, the District will devote time for exercises of a patriotic nature, including a discussion of the words, meaning, and history of the Pledge of Allegiance and the Star Spangled Banner. These exercises may include speakers, instruction, presentations, and other events as appropriate. Federal Constitution exercises may include recognition of the New Hampshire constitution as well as exercises related to

rights and responsibilities as citizens.

Pledge of Allegiance.

Every school shall establish a period of time during each school day for the recitation of the Pledge of Allegiance. Pupil participation shall be voluntary. Pupils who do not participate in the recitation may sit or stand as they choose, but shall respect the rights of those pupils electing to participate.

Display of Flags of the United States and State Flags.

Each schoolhouse of the District shall have and display prominently outside the school, at least one state and American flag, each being no less than 5 feet in length. If possible, the two flags will be displayed on separate staffs of the same height. If the two flags are displayed on the same staff, the American flag will be displayed above the New Hampshire flag. Additionally, the principal assembly room of each schoolhouse shall likewise have the two flags conspicuously displayed. The flags will be lowered to half-mast whenever the Governor orders the lowering of flags on state property. Flags shall be replaced whenever they become torn or unduly worn. [add any other requirements the Board deems appropriate, e.g., flags in every classroom, designation of personnel responsible for ensuring compliance/replacement etc.]

The Board authorizes the Superintendent and each Building Principal to accept the donation of the United States and the New Hampshire flags and display apparatus from State agencies, private groups, or individual citizens, and to determine the location of the flags in the classrooms or on school property. Upon receipt of an American flag or a New Hampshire state flag, priority for display shall be in any classroom where none is already displayed.

General John Stark Day.

New Hampshire observes General John Stark day on the second Monday in April. Schools in the District shall commemorate the day with appropriate educational activities.

History:

First reading: _____

Second reading/adopted: _____

Timberlane Regional School District	Policy Code: JJJ
Adopted: 10-06-22	Page 1 of 4

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

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

A. <u>Equal Access to District Courses and Programs</u>.

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

The district allows non-enrolled district students to participate on an equal basis in courses and programs offered by the district provided they meet the eligibility requirements for participation (e.g., deadlines for registration, academic progress/performance, parental permission, third party (e.g., NHIAA) requirements, physical exams/health requirements, etc).

In the event that a course or program has reached capacity, selection between enrolled students and non-enrolled district students must be made using the same criteria, such as registration deadlines, registration dates, audition/tryout, seniority by grade, etc. If, after applying such criteria the course/program remains overenrolled, the determination should be made randomly.

If a student or their parent/guardian believes that they have not been given equal opportunity for participation in district programs, then they may appeal as outlined in Board policy JJA.

B. <u>Participation in Curricular Courses</u>.

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

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

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

1. for determining whether a course satisfies requirements for awarding credits (Board policy IK; and
2. for assigning to classes or grade levels and for students transferring from other schools (Board policy JG).

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

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

C. <u>Use of School Texts and Library Materials</u>.

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

D. <u>Participation in Activities and Co/extra-curricular Programs</u>.

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

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

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

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

E. <u>Appeals</u>.

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

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

1. Submit a letter to the building Principal stating the nature of the concern and requesting a hearing.
2. Within five (5) school days the Principal will convene a meeting with him/herself, the student and/or parents, the coach/advisor, and a teacher(s).
3. The student/parent will be given an opportunity to explain why they believe the student should be eligible for participation. Additionally, the student/parent may present information, documents or other material in support of their position. The Principal shall prepare minutes of the meeting.
4. The Principal will consider all information available and will make a final decision within three (3) school days following the meeting. The Principal will notify and inform the student/parents of his/her decision in writing via email. When time is of the essence, the Principal should first convey the basic conclusion as soon as practicable via telephone or email.
5. The student/parent/guardian may within 3 days of the Principal's email of the decision submit a written request for further review by the Superintendent. The

written request should describe why the Principal's decision should not be upheld. The Superintendent may decide without further information to uphold the Principal's decision, or may determine a further meeting is necessary. In either event, the Superintendent's decision will be final. If the parent/guardians do not request a review by the Superintendent, then the Principal's decision will be final as of the fourth day after the Principal's written decision was transmitted to the parents/guardians.

F. <u>Administrative Regulations or Procedures</u>.

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

<u>Legal References</u>:

RSA 193:1-c, Access to Public School Programs by Nonpublic…Pupils.

RSA 193-A:6, (Home Education), Records; Evaluation

Policy JJJ: Access to Public School Programs by Non-Enrolled Resident Students

Status: ADOPTED

Original Adopted Date: 09/01/2016 | **Last Revised Date:** 07/31/2026 | **Last Reviewed Date:** 07/31/2026

Category: Priority/Required by Law

~ ~
ADOPTION/REVISION NOTES –
Text between the highlighted lines "~ ~ ~ ~", and highlights in this sample should be removed prior to adoption.

a. **SPECIAL NOTE:** The impetus for the July 2026 revision to sample JJJ is the passage of HB1817, which adds *resident* EFA students to the group of students who have equal access to district curricular programs and co/extra-curricular activities at no cost. However, the legislature did not amend the definition of "sending district" in RSA 188-E:2, VIII(b), which states: (b) If a student attends a chartered public school, private school, or is home schooled, the sending district shall be the school district in which the student resides. This omission is potentially significant because, under RSA 188-E:7, I, the state only pays tuition for " for full or part-time sending district students." The issue is further muddied - if not made worse - by the 2025 amendments to RSA 188-E:1-a, which extends the right of sending district full or part-time students to enroll in non-CTE courses at a cost to the sending district of 80% of the sending district's students cost-per-pupil. Arguably, if the "sending district" does not include EFA students for purposes of the state tuition payment, "sending district" would also not include them for purposes of the non-CTE courses. This issue is unresolved as of the end of July 2026. As more information on this issue becomes available, NHSBA will include it in the weekly updates.

b. **SPECIAL NOTE:** NHSBA urges school boards and administrators to review their existing policies and procedures to ensure that the policies and procedures concerning district courses and activities are no more restrictive for resident home educated, charter and non-public school students than they are for pupils enrolled within the district and to make sure these sample procedures reflect your policies and procedures relative to pupils enrolled in the district, and further, that staff responsible for taking registrations or sign-ups for various programs are familiar with the requirements of this policy.

c. General – As with all sample policies/procedures, NHSBA recommends that each district carefully review this sample prior to adoption/revision to assure suitability with the district's own specific circumstances, internal coding system, current policies, and organizational structures. NOTE: as some of the content in the sample is governed by specific statutes, care should be taken to review the legal references (footnotes) prior to modification of substantive provisions.

d. General – Highlighted language or blank, underscored spaces _________, with or without brackets [ ] or { } indicate specific areas which Boards should review, change or complete to reflect local personnel titles, internal/ external policy references, duty assignments etc. Peach highlights indicate internal paragraph references which might change if a district modified suggested language.

e. General – {**} indicates a reference to another NHSBA sample policy. A district should check its own current policies and codes to assure internal consistency.

f. General – Withdrawn & earlier versions of revised policies should be maintained separately as part of the permanent records of the District.

NHSBA history: Revised – July 2026, Aug 2022, May 2018, **New policy** – Sept. 2016

NHSBA revision notes, July 2026, policy was revised to reflect passage of HB1817 (amending RSA 193:1-c, see 2026 N.H. Laws Chapter 183). The amendments extend to resident students who are enrolled in the EFA program the same rights to access AT NO COST district programs and co-curricular activities as previously granted to home-educated, charter and non-public school resident students. This is true, even though the EFA student receives the

state funds and the district will not receive the prorated adequacy funds it currently receives for resident home ed, charter and private school students. (That pro-ration is currently 15% per class for grades 7-12.) Further, as home ed programs under 193-A terminate automatically when a student enrolls in the EFA program, districts will lose whatever adequacy they received last year from home ed students who now enroll in the EFA program. (See also Special Note a, above, relating to CTE tuition.) Revisions also included (a) changing "non-enrolled district students to "non-enrolled resident students" to emphasize that the policy only applies to children who are residents of the district, (b) changing the title for brevity, (c) minor revisions to improve readability, and (d) addition of endnote 3 explaining the 2022 inclusion of the paragraph in Section B relative to special education and other related services. **Aug. 2022**, sample JJJ was substantially revised in conjunction with revisions to IHBG, JJA and JJJ, as well as accompanying procedural documents JJA-R and JJJ-R to better coordinate the "equal access" provisions relating to home educated and other non-enrolled resident students' participation in public school district courses, programs and activities as required under RSA 193:1-c and 193-A:6, **III**. In addition to the comprehensive revisions to the text of JJJ, the policy category was changed from "Recommended" to "Priority/Required by Law" to reflect the 2022 passage of HB1663, which amended 193:1-c to include such a policy. **May 2018:** Revisions included (1) changing the category from "Optional" to "Recommended" to help ensure compliance with statutory obligation of districts to provide access to nonpublic, charter and home educated students, and (2) adding introductory language taken from former IHBG-R. **September 2016: New policy.** NHSBA issued the new sample policy to reflect 2016 passage of HB 555, amending RSA 193:1-c, to include charter school students in the "equal access" to school district programs statute.

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All pupils or school aged children **residing in the District** consistent with RSA 193:12, whether they participate in a home education program under RSA 193-A, participate in the New Hampshire education freedom account (EFA) program, or are attending public chartered school or nonpublic schools, (referred to **collectively as "non-enrolled resident students**"), shall have access to curricular courses and co/extra-curricular programs offered by the District in accordance with RSA 193:1-c.

A. Equal Access to District Courses and Programs.

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

Consistent with RSA 193-F:2, IX, parents of students accessing District programs and activities under this policy and whose home education program was terminated by virtue of the student's entering the EFA program, are required to notify the District that the student is now an EFA program student rather than one who is in a home education program under RSA 193-A.

The District allows non-enrolled resident students to participate on an equal basis in courses and programs offered by the District provided they meet the eligibility requirements for participation (e.g., deadlines for registration, academic progress/performance, parental permission, third party (e.g., NHIAA) requirements, physical exams/health requirements, etc).

In the event that a course or program has reached capacity, selection between enrolled students and non-enrolled resident students must be made using the same criteria, such as registration deadlines, registration dates, audition/tryout, seniority by grade, etc. If, after applying such criteria, the course/program remains over-enrolled, the determination should be made randomly. [[1] Delete fn.]

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

B. Participation in Curricular Courses.

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

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

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

1. *[this option to be used for districts with high schools only. If no high school, delete sub-paragraph 1, and merge sub-para 2 into end of text of paragraph.]* for determining whether a course satisfies requirements for awarding credits (Board policy *{**}*IK) [2 Delete fn.]; and

2. for assigning to classes or grade levels and for students transferring from other schools (Board policy *{**}*JG for grades K-8).

In making the determination, the Principal should consider , course descriptions, syllabi, and/or any other relevant information offered by the parent/guardian of the student.The Principal may also require assessment testing.[3 Delete fn.]

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

C. Use of School Texts and Library Materials.

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

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

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

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

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

2. Meet any tryout criteria or their equivalent for participation in the activity that apply to students enrolled in the school District (see Board policy {**} JJA); and

3. Comply with all policies, rules and regulations or their equivalent of the governing organization of the activity (see Board policy {**} JJA).

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

E. Appeals.

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

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

1. Submit a letter to the building Principal stating the nature of the concern and requesting a hearing.

2. Within five (5) school days the Principal will convene a meeting with him/herself, the student and/or parents, the coach/advisor, and a teacher(s).

3. The student/parent will be given an opportunity to explain why they believe the student should be eligible for participation. Additionally, the student/parent may present information, documents or other material in support of their position. The Principal shall prepare minutes of the meeting.

4. The Principal will consider all information available and will make a final decision within three (3) school days following the meeting. The Principal will notify and inform the student/parents of his/her decision in writing via email. When time is of the essence, the Principal should first convey the basic conclusion as soon as practicable via telephone or email.

5. The student/parent/guardian may within 3 days of the Principal's email of the decision submit a written request for further review by the Superintendent. The written request should describe why the Principal's decision should not be upheld. The Superintendent may decide without further information to uphold the Principal's decision, or may determine a further meeting is necessary. In either event, the Superintendent's decision will be final. If the parent/guardians do not request a review by the Superintendent, then the Principal's decision will be final as of the fourth day after the Principal's written decision was transmitted to the parents/guardians.

F. Administrative Regulations or Procedures.

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

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

[2] [Delete note] The information within the brackets should be deleted in districts without high schools.

[3] [Delete note] While most home educated, EFA and private school students would not be entitled to services under IDEA in the same manner as for fully enrolled students, some situations may require accommodations for such students under 504. Similarly, there may be instances when such students have access to some, but not other services available to students with IEPs. Additionally, resident charter school students may have additional rights to services under their IEP. NHSBA has included this provision to help ensure that appropriate personnel are making a decision to deny a request for services for a particular student is consistent with the various statutes and regulations that might attach to a particular student's circumstances.

District Policy History:

First reading: _____

Second reading/adopted: _____